AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

9-17-80
Vol. 45 No. 182
Pages 61593-62006

federal register

Wednesday
September 17, 1980

Highlights

62000	**Grant Programs** HHS/HDSO announces availability of grant funds for the Child Welfare Research and Demonstration grants program; apply by 12-1-80 (Part VII of this issue)
61789	**Grant Programs** HHS/NIOSH gives notice regarding grants for research and demonstrations relating to reproductive effects from occupational hazards
61612	**Grant Programs—Crime** Justice/OJARS publishes regulations regarding criminal intelligence systems operating policies; effective 9-12-80
61643	**Gasoline** DOE/FERC proposes regulations regarding production costs and maximum lawful prices in sales under the Natural Gas Policy Act of 1978; comments by 10-24-80
61874	**DNA Research** HHS/NIH gives notice of proposed First Annual update of program to assess the risks of recombinant DNA research; comments by 12-16-80 (Part II of this issue)
61950, 61966	**Asbestos** EPA/ED proposes regulations regarding friable asbestos-containing materials in schools; comments by 11-3-80 (Parts V and VI of this issue)

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register.**

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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61596 **Banking** FHLBB publishes regulations regarding mortgage transactions with Federal National Mortgage Association; effective 9-17-80

61610 **Gasoline** DOE/FERC establishes procedures to be used until Nov. 1, 1981 by industrial users in calculating volumes of natural gas subject to incremental pricing surcharges; effective 10-15-80

61617 **Clean Water** EPA announces ocean discharge criteria implementing the Clean Water Act availability 9-30-80

61800 **Grant Program-Housing** IDCA/AID authorizes guaranty of a loan to finance low income housing project in the Republic of Liberia

61637 **Loan Programs** SBA publishes proposal regarding loans to qualified employee trusts; comments by 10-17-80

61645 **Air Pollution** EPA announces development of regulations to establish modified procedure for demonstrating certification compliance requirements

61615 **Drug Abuse** DOD/Sec'y establishes policy concerning drug abuse paraphernalia; effective 8-25-80

61880, 61941 **Unvented Gas-Fired Space Heaters** CPSC publishes regulations regarding safety standard requiring oxygen depletion safety shutoff systems (Part III of this issue)

61791 **Grant Program-Social Security** HHS/HDSO gives notice of Federal allotments to States for Personnel Training or Retraining for fiscal year 1981

61595 **Banking** FRS publishes policy statement regarding futures, forward and standby contracts on U.S. government and agency securities; effective 8-21-80

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1030

Milk in the Chicago Regional Marketing Area; Temporary Revision of Shipping Percentage

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Temporary revision of rules.

SUMMARY: This action temporarily relaxes the shipping requirements for pool supply plants for the months of September, October, and November 1980 for the Chicago regional marketing area as a means of preventing uneconomic shipments of milk to the market and of maintaining the pool status of producers who regularly supply the market. The revisions are made in response to requests of cooperative associations of producers supplying the market.

EFFECTIVE DATE: September 17, 1980.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, United States Department of Agriculture, Washington, D.C. 20250, 202-447-5661.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Proposed temporary revision of shipping percentage: issued August 20, 1980; published August 26, 1980 (45 FR 56818).

This temporary revision is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the provisions of § 1030.7(b)(5) of the Chicago regional milk order.

Notice of proposed rulemaking was published in the **Federal Register** (45 FR 56818) concerning a proposed decrease in the shipping requirements for pool supply plants for the months of September, October, and November 1980. The public was afforded the opportunity to comment on the proposal by submitting written data, views and arguments. Four comments were received in favor of the proposal, one comment opposed the proposal and one comment proposed a modification of the proposal.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed, and other available information, it is hereby found and determined that for the months of September, October, and November 1980 the supply plant shipping percentages should be lowered 5 percentage points as follows:

Percentage

Month	Present	Temporary	Point change
September	30	25	−5
October	35	30	−5
November	35	30	−5

Pursuant to the provisions of § 1030.7(b)(5) the supply plant shipping percentages set forth in § 1030.7(b) may be increased or decreased by the Director of the Dairy Division by up to 10 percentage points during the months of August–March to encourage additional milk shipments to pool distributing plants or to remove the need for milk shipments to such plants merely for purposes of qualifying a supply plant.

The Central Milk Sales Agency, which represents six cooperative associations whose members provide the majority of producer milk associated with the market, requested that the supply plant shipping percentages of 30 percent for September and 35 percent for October and November be decreased to 25 percent for each respective month. The Agency estimates that producer milk receipts for these three months will increase 8–10 percent over year earlier volumes. It estimates also that receipts by Agency members in September 1980 will be 482 million pounds, an increase of 66 million pounds (15.9 percent) over September receipts a year ago. For October, receipts are expected to be up 65 million pounds (15.6 percent) and for November receipts are expected to be up 58 million pounds (14.7 percent). The Agency estimates that qualifying shipments for September 1980 will amount to 125 million pounds, or 25.9 percent of their receipts. For October qualifying shipments would represent about 29.6 percent of their receipts and for November 31.2 percent of their receipts.

A handler who operates several pool plants supported the 5-point reduction in the shipping percentage for September, but opposed the full 10-point reduction in the shipping percentage for October and November. The spokesman for this handler claimed that only a 5-point reduction in the shipping percentage for these two months is justified because of the effect a shortage of milk in the southern part of the country could have on the availability of milk supplies for Chicago regional distributing plant handlers. This handler expressed concern about the availability of milk for fluid use if the supply plant shipping requirements were reduced a full 10 percentage points for October and November.

For June and July 1980, producer milk receipts for the market were 9.8 percent greater than for the same months last year while the pounds of pooled Class I milk were only slightly more (0.6 percent) than for the same months last year. From market data available, it is estimated that for the months of September through November, producer milk will be about 7.2 percent greater than for the same months last year and the volume of pooled Class I milk for the market will average 1.8 percent more.

It is evident from these data that producer milk supplies for the market currently and prospectively are increasing substantially more than Class I sales, and that consideration to lowering the supply plant shipping percentages temporarily is warranted. However, these data do not indicate for the market the 14 to 16 percent increase in producer receipts that the Agency expects for its own members. For the market as a whole, it is apparent that the percentage reduction that was requested for the months of October and November could reduce the minimum shipping requirements for supply plants to the point that distributing plants might not be assured of an adequate supply of milk for fluid use.

The projected total receipts of milk from producers for September, October and November 1980 is expected to be 913 million pounds, 926 million pounds and 869 million pounds, respectively. Of the total producer milk receipts in the market it is expected that 873 million, 886 million and 831 million pounds, respectively, will be received at supply plants. Thus, the remaining 40 million pounds of producer milk in September and in October and 38 million pounds in November will be received at pool distributing plants directly from producers. The projected volume of pooled Class I sales is anticipated to be 247 million, 278 million and 261 million pounds, respectively.

At a 30 percent shipping percentage as now provided for September, the qualifying shipments from supply plants would have to be 262 million pounds. For October and November, at a 35 percent shipping percentage, the qualifying shipments from supply plants would have to be 310 million and 291 million pounds, respectively. Thus, at the present shipping percentages the volume of uneconomic shipments from supply plants would approach 55 million pounds in September, 72 million pounds in October and 67 million pounds in November.

By reducing the supply plant shipping percentage to 25 percent in September, about 218 million pounds would be required for qualifying shipments from supply plants. With projected Class I sales of 247 million pounds, the difference would be made up from direct shipped milk.

On the other hand, by reducing the supply plant shipping percentages to 25 percent for October and November, about 221 million and 208 million pounds, respectively, would be required for qualifying shipments from supply plants. With projected Class I use at 278 million and 261 million pounds, respectively, the difference is greater than the 40 million and 37 million pounds, respectively, of direct-shipped milk. Thus, a 25 percent shipping standard for October and November appears to be too low to assure that distributing plants would have adequate supplies of milk for fluid use.

At a 30 percent shipping percentage for October and November, qualifying shipments from supply plants would be about 266 million and 249 million pounds, respectively. At this level of shipments, distributing plants should be adequately supplied during these two months because the difference between the shipments from supply plants and anticipated Class I use could be made up from direct-shipped milk. Also proponent indicated that qualifying shipments by its members during these two months are anticipated to be about 30 percent.

On the basis of available information, it is concluded that the supply plant shipping percentages should be reduced to 25 percent for the month of September and 30 percent for the months of October and November. Providing the reduction for all three months at this time on the basis of current information will afford all parties adequate knowledge for adjusting their operations accordingly. Should a change occur in the projections for October or November, consideration could be given to lowering the percentages further at that time.

The proposed reduction as requested by the Agency was supported through comments by another cooperative association supplying the market and by two proprietary handlers.

One proprietary handler opposed the request on the basis that the proposed temporary reduction in supply plant shipping percentages would only aggravate a difficult supply situation for pool distributing plant operators. The handler apparently believes that a reduction in the shipping requirements would make it still more difficult to obtain milk supplies for Class I use without the payment of premiums.

The shipping percentage reductions are aimed at facilitating the delivery of milk to the market from supply plants for Class I use without requiring uneconomic shipments merely for pooling purposes. It is concluded that the supply-demand conditions in the market warrant a lowering of the shipping requirements, as set forth above, on a temporary basis.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This temporary revision is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area for the months of September, October and November 1980;

(b) This temporary revision does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of the proposed temporary revision was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this temporary revision.

Therefore, good cause exists for making this temporary revision effective upon publication in the **Federal Register.**

It is therefore ordered, That the aforesaid provisions of the order are hereby revised for the months of September, October and November 1980.

Effective date: September 17, 1980.

(Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674))

Signed at Washington, D.C., on September 11, 1980.

W. H. Blanchard,
Acting Director, Dairy Division.

[FR Doc. 80-28649 Filed 9-16-80; 8:45 am]
BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Part 1951

[FCDA No. 10.406 Farm Operating Loans]

Servicing and Collections; Account Servicing Policies

Correction

In FR Doc. 80-27219 appearing on page 58814 in the issue of Friday, September 5, 1980, third column, the EFFECTIVE DATE now reading "August 5, 1980" should have read "September 5, 1980".

BILLING CODE 1505-01-M

Animal and Plant Health Inspection Service

9 CFR Part 82

Exotic Newcastle Disease; and Psittacosis or Ornithosis in Poultry; Area Quarantined

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to quarantine a portion of Dade County in Florida because of the existence of exotic Newcastle disease. Exotic Newcastle disease was confirmed in such portion of Dade County, Florida, on September 10, 1980. Therefore, in order to prevent the dissemination of exotic Newcastle disease it is necessary to quarantine the affected area.

EFFECTIVE DATE: September 12, 1980.

FOR FURTHER INFORMATION CONTACT: C. G. Mason, Chief, National Emergency Field Operations, Emergency Programs, Veterinary Services, USDA, Federal Building, Room 751, Hyattsville, MD 20782, 301-436-8093.

SUPPLEMENTARY INFORMATION: This amendment quarantines a portion of Dade County in Florida, because of the existence of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah, and psittacine birds, and birds of all other species under any form of confinement, and their carcasses, and parts thereof, and certain other articles, from quarantined areas, as contained in

9 CFR Part 82, as amended, will apply to the quarantined area.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respect:

In § 82.3, the introductory portion of paragraph (a) is amended by adding thereto the name of the State of Florida and a new paragraph (a)(1) relating to the State of Florida is added to read:

§ 82.3 Areas quarantined.

(a) * * *

(1) *Florida.* The premises of Bernard Levine, 7000 N.W., 65th Avenue, Miami, Dade County.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141)

This amendment imposes certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register**.

Further, this final rule has not been designated as "significant," and is being published in accordance with the emergency procedures in Executive Order 12044 and Secretary's Memorandum 1955. It has been determined by J. C. Jefferies, Acting Assistant Deputy Administrator, Animal Health Programs, APHIS, VS, USDA, that the emergency nature of this final rule warrants publication without opportunity for prior public comment or preparation of an impact analysis statement at this time.

This final rule implements the regulations in Part 82. It will be scheduled for review in conjunction with the periodic review of the regulations in that Part required under the provisions of Executive Order 12044 and Secretary's Memorandum 1955.

Done at Washington, D.C., this 12th day of September 1980.

J. K. Atwell,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 80–28736 Filed 9–16–80; 8:45 am]

BILLING CODE 3410-34-M

FEDERAL RESERVE SYSTEM

12 CFR Part 225

[Reg. Y; Docket No. R-0261]

Futures, Forward and Standby Contracts on U.S. Government and Agency Securities; Policy Statement

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Policy statement.

SUMMARY: This policy statement reflects the judgement of the Board of Governors of the Federal Reserve System that bank holding companies, as sources of strength for their subsidiary banks, should not take speculative positions in futures, forward and standby contracts on U.S. Government and Agency securities ("financial contracts"). The Board intends to monitor closely bank holding company transactions in financial contracts to ensure that any such activity is consistent with maintaining a safe and sound banking system. In any cases where bank holding companies are found to be engaging in speculative practices, the Board is prepared to institute appropriate action under the Financial Institutions Supervisory Act of 1966, as amended.

EFFECTIVE DATE: August 21, 1980.

FOR FURTHER INFORMATION CONTACT: Robert S. Plotkin, Assistant Director, or Michael Schoenfeld, Senior Securities Regulations Analyst, Division of Banking Supervision & Regulation, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-2781).

SUPPLEMENTARY INFORMATION: On March 14, 1980 the three Federal bank regulatory agencies announced a number of revisions in their guidelines for banks engaging in futures, forward and standby contracts on U.S. government and agency securities.[1] In recent months, questions have arisen concerning the application of the joint bank policy statements to bank holding companies contemplating similar practices. The Board has adopted a statement setting forth its policy with respect to bank holding company participation in forward placement or delayed delivery contracts and interest rate futures contracts (collectively referred to as "financial contracts"), and pursuant to sections 5(b) and 8 of the Bank Holding Company Act (12 U.S.C. 1844 and 1847) and section 8(b) of the Financial Institutions Supervisory Act (12 U.S.C. 1818(b)) has added section 225.142 as follows:

§ 225.142 Statement of policy concerning bank holding companies engaging in futures, forward and standby contracts on U.S. Government and agency securities.

(a) *Purpose of Financial Contract Positions.* In supervising the activities of bank holding companies, the Board has adopted and continues to follow the principle that bank holding companies should serve as a source of strength for their subsidiary banks. Accordingly, the Board believes that any positions that bank holding companies or their nonbank subsidiaries take in financial contracts should reduce risk exposure, that is, not be speculative.

(b) *Establishment of Prudent Written Policies, Appropriate Limitations and Internal Controls and Audit Programs.* If the parent organization or nonbank subsidiary is taking or intends to take positions in financial contracts, that company's board of directors should approve prudent written policies and establish appropriate limitations to insure that financial contract activities are performed in a safe and sound manner with levels of activity reasonably related to the organization's business needs and capacity to fulfill obligations. In addition, internal controls and internal audit programs to monitor such activity should be established. The board of directors, a duly authorized committee thereof or the internal auditors should review periodically (or at least monthly) all financial contract positions to insure conformity with such policies and limits. In order to determine the company's exposure, all open positions should be reviewed and market values determined at least monthly, or more often, depending on volume and magnitude of positions.

(c) *Formulating Policies and Recording Financial Contracts.* In formulating its policies and procedures, the parent holding company may consider the interest rate exposure of its nonbank subsidiaries, but not that of its bank subsidiaries. As a matter of policy, the Board believes that any financial contracts executed to reduce the interest rate exposure of a bank affiliate of a holding company should be reflected on the books and records of the bank affiliate (to the extent required by the bank policy statements) rather than on the books and records of the parent company. If a bank has an interest rate exposure that management believes requires hedging with financial contracts, the bank should be the direct beneficiary of any effort to reduce that exposure. The Board also believes that final responsibility for financial contract transactions for the account of each affiliated bank should reside with the management of that bank.

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[1] See 45 FR 18116 (March 20, 1980); 45 FR 18120 (March 20, 1980); Comptroller of the Currency, Banking Circular 79 (2nd Rev).

(d) *Accounting.* The joint bank policy statements of March 12, 1980 include accounting guidelines for banks that engage in financial contract activities. Since a special task force of the American Institute of Certified Public Accountants is presently considering accounting standards for contract activities, no specific accounting requirements for financial contracts entered into by parent bank holding companies and nonbank subsidiaries are being mandated at this time. The Board expects to review further developments in this area.

(e) *Board to Monitor Bank Holding Company Transactions in Financial Contracts.* The Board intends to monitor closely bank holding company transactions in financial contracts to ensure that any such activity is consistent with maintaining a safe and sound banking system. In any cases where bank holding companies are found to be engaging in speculative practices, the Board is prepared to institute appropriate action under the Financial Institutions Supervisory Act of 1966, as amended.

Board of Governors of the Federal Reserve System, August 21, 1980.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 80-28683 Filed 9-16-80; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 545 and 563

[No. 80-583]

Operations; Mortgage Transactions With Federal National Mortgage Association (FNMA)

AGENCY: Federal Home Loan Bank Board.

ACTION: Final regulations.

SUMMARY: The Federal Home Loan Bank Board has liberalized its lending regulations (12 CFR 545.8–10 and 563.9–4) to enable savings and loan institutions to participate in the Federal National Mortgage Association ("FNMA") Rehabilitation Loan Program. The Board also has amended its prohibition on sales with recourse to conform to the liberalization of the lending regulations.

EFFECTIVE DATE: September 17, 1980.

FOR FURTHER INFORMATION CONTACT: Peter M. Barnett, Office of General Counsel, (202) 377–6445, or Thomas Wall, Office of Community Investment, (202) 377–6239, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: The Emergency Home Finance Act of 1970 (the "Act"), Pub. L. 91–351, 84 Stat. 450, established the Federal Home Loan Mortgage Corporation ("FHLMC") and granted authority to purchase conventional mortgages to FNMA. Pursuant to the Act, the Board promulgated § 545.8–10 of the Rules and Regulations for the Federal Savings and Loan System and § 563.9–4 of the Rules and Regulations for Insurance of Accounts, to permit Federally-chartered savings and loan associations and state-chartered institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation to engage in mortgage transactions with FHLMC. Because of the special relationship between the Board, the Federal Home Loan Bank System and FHLMC, the Board exempted mortgage transactions with FHLMC from regulatory provisions of the Board which might otherwise restrict such transactions. There is no similar exception for mortgage transactions with FNMA; until recently, however, no Board regulation served to bar an institution's full participation in any FNMA program.

A new initiative by FNMA to facilitate rehabilitation financing has resulted in an instance where insured institutions wishing to do so can not participate in the FNMA Rehabilitation Loan Program because its requirements are inconsistent with the Board's prohibition against sales with recourse. Until implementation of this program, the prohibition did not prevent participation of insured institutions in FNMA programs since no FNMA programs required sales with recourse. No FHLMC programs to date have required sales with recourse.

The Rehabilitation Loan Program is designed to provide long-term conventional mortgage funds for the acquisition (or refinancing) and rehabilitation of one-to-four-family residences on the basis of the value of the security property upon completion. Upon origination of the loan, the originating lender disburses all of the funds for acquisition and rehabilitation, with funds to be applied to rehabilitation being put into a special escrow account administered by the lender. FNMA then purchases the whole loan subject to the lender's obligation to repurchase if the borrower defaults prior to completion of rehabilitation or if the rehabilitation is not completed within one year.

The Board has reviewed FNMA's Rehabilitation Loan Program and is satisfied that the program is structured to minimize the risk to the selling institution that the Board has sought to prevent by imposition of its prohibition against the sale of mortgages with recourse. The purpose of the repurchase obligation is to meet requirements of the FNMA Charter Act regarding loan-to-value ratio and to assure prudent administration of the loan by the originating lender during rehabilitation, satisfactory completion of rehabilitation, and delivery of all necessary documentation to FNMA. A lender delivering mortgages to FNMA under the program must meet special eligibility requirements pertaining to the ability to administer rehabilitation loans and to meet the contingent obligation to repurchase. Moreover, the lender must signify its intent that FNMA is to be the permanent investor in such mortgages.

The Board believes that its decision to exempt insured institutions' transactions with FNMA from the prohibition against sales with recourse will provide liquidity to insured institutions through additional access to the secondary market, which the Board has encouraged continually and the importance of which was most recently reaffirmed by the report of the Inter-agency Task Force on Thrift Institutions established by the Depository Institutions Deregulation and Monetary Control Act of 1980, Pub. L. No. 96–221, 94 Stat. 132. In addition, it will encourage rehabilitation activity by insured institutions by permitting participation in the FNMA Rehabilitation Loan Program.

In permitting sales of mortgages to FNMA with recourse for the first time, the Board has considered the question of the contingent liability created by sales with recourse and the requirements of the safety and soundness of insured institutions and generally accepted accounting principles. According to generally accepted accounting principles, contingent liabilities must be disclosed in the annual financial statement of an institution according to the standards set forth in Statement of Financial Accounting Standards No. 5 ("Accounting for Contingencies") issued by the Financial Accounting Standards

Board. The Board believes that disclosure of the contingency of repurchase of loans sold under the Rehabilitation Loan Program pursuant to the standards of FASB No. 5 is sufficient for annual financial statement purposes. In addition, in order to assure the safe and sound operation of insured institutions, the Board has determined that the contingency of repurchase of loans sold under the Rehabilitation Loan Program must be disclosed to the Board in the semiannual financial report of insured institutions regardless of whether such disclosure is required by FASB No. 5. No regulatory amendment is needed to implement this requirement.

Because the amendments relieve a current restriction and are needed to facilitate full participation in secondary market activities, the Board has determined that public notice and procedure under 5 U.S.C. 553(b) and 12 CFR 508.11 are unnecessary with regard to such amendments, and a 30-day delay of effective date under 5 U.S.C. § 553(d) and 12 CFR 508.14 is unnecessary for the same reasons.

Accordingly, the Board hereby amends 12 CFR 545.8–10 of the Rules and Regulations for the Federal Savings and Loan System and 12 CFR 563.9–4 and 12 CFR 563.23 of the Rules and Regulations for Insurance of Accounts, to read as set forth below.

1. Amend § 545.8–10 by revising the title, revising and designating the current text as paragraph (a) and adding a new paragraph (b), to read as follows:

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

§ 545.8–10 Mortgage transactions with federally chartered secondary market agencies.

(a) Without regard to any other provision of this Part, a Federal association may enter into and perform any mortgage transaction with the Federal Home Loan Mortgage Corporation specified in section 305 of the Federal Home Loan Mortgage Corporation Act, as amended.

(b) The provisions of § 563.23 of this Chapter not withstanding, a Federal association may enter into and perform any mortgage transaction with the Federal National Mortgage Association under its Rehabilitation Loan Program.

2. Amend § 563.9–4 by revising the title, revising and designating the current text as paragraph (a) and adding a new paragraph (b), to read as follows:

SUBCHAPTER D—INSURANCE OF ACCOUNTS

PART 563—OPERATIONS

§ 563.9–4 Mortgage transactions with federally chartered secondary market agencies.

(a) Without regard to any other provision of this Part, any insured institution, to the extent that it has legal power to do so, may enter into and perform and carry out any mortgage transaction with the Federal Home Loan Mortgage Corporation specified in section 305 of the Federal Home Loan Mortgage Corporation Act, as amended.

(b) The provisions of § 563.23 of this Part notwithstanding, any insured institution, to the extent it has legal power to do so, may enter into and perform and carry out any mortgage transaction with the Federal National Mortgage Association under its Rehabilitation Loan Program.

3. Amend § 563.23 to read as follows:

§ 563.23 Prohibition of sale with recourse.

Except as provided in § 545.8–10 of this Chapter and § 563.9–4 of this Part, all loans and participation interests in loans sold by an insured institution shall be sold without recourse.

(Sec. 5, 48 Stat. 132 (12 U.S.C. 1464), as amended by sec. 401, 94 Stat. 160; secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730), Reorg. Plan No. 3 of 1947, 12 FR 4891, 3 CFR, 1943–48 comp., p. 1071)

Dated: September 11, 1980.

By the Federal Home Loan Bank Board.

Robert D. Linder,

Acting Secretary.

[FR Doc. 80-28740 Filed 9-16-80; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF COMMERCE

Office of the Secretary

13 CFR Part 540

Regional Action Planning Commissions; Administration

AGENCY: Special Assistant to the Secretary for Regional Development, Office of the Secretary, Department of Commerce.

ACTION: Final rule.

SUMMARY: The Department of Commerce is adopting final regulations amending its existing rules relating to the administrative functions of the Regional Action Planning Commissions established pursuant to Title V of the Public Works and Economic Development Act of 1965, as amended, 42 U.S.C. 3181 *et seq.* The amendments clarify the meaning, applicability, or original purpose of particular rules.

EFFECTIVE DATE: These regulations become effective on September 17, 1980.

FOR FURTHER INFORMATION CONTACT: Frances Pappas, Room 2092, U.S. Department of Commerce, Washington, D.C. 20230 (202) 377–5174.

SUPPLEMENTARY INFORMATION: Although this final action has been reviewed under the Department's procedures to implement E.O. 12044 and has been determined to be "not significant," the Department nevertheless solicited comments from the public and interested parties in these rules. On July 24, 1980 the Department of Commerce published in the **Federal Register** (44 FR 49278) proposed amendments to the administrative rules in 13 CFR Part 540. Comments were received from one commenter and ranged from proposed language changes and inclusion of explanatory statements to the recommendation that each Commission's code contain procedures for notifying the Inspector General of any known or suspected instances of fraud, abuse or violations of law involving a Commission's projects or programs.

In the one instance where the language change better stated the meaning of the particular sentence or section, it has been incorporated in the regulations (§540.102(b)). Where it was felt that the proposed language change or explanatory statement did not improve upon the existing language or add substantially to the clarity of the sentence or section, it was not adopted.

One of the comments recommended adoption of the entire OMB Circular A–122, cost principles for nonprofit organizations, by the Regional Commissions rather than only Attachment B.

We agree with the comment and have revised § 540.102 (c) and (d) accordingly. We also think that the general principles provided under Section A in Attachment A, Basic Considerations, are important in establishing a framework for making the determinations required in Attachment B.

Another comment proposed that paragraph 8 of revised OMB Circular A–73 be included in § 540.204(j) of the regulations among the standards to be used by the Commissions in establishing procedures governing audit resolutions and project closeouts. In view of OMB's concerns over prompt and proper resolution of audit recommendations as expressed in the revision of OMB Circular A–73 issued December 3, 1979, we have incorporated a reference to the pertinent paragraph in Circular A-73 in § 540.204(j).

Finally, two comments pertained to the relationship between the Inspector General and the Regional Commissions. The Federal Cochairmen and, through them, the Regional Commissions are cognizant of the fact that the authority of the Inspector General, as provided by law, is not limited by the regulations, statute or any Commission code. As recipients of Federal funds the Commissions are obligated to notify the Inspector General of any known or suspected instances of fraud, abuse, or violations of law relating to any Federally-funded project or program of the Commissions.

Some minor changes have been made to improve the clarity of a sentence or section. One extensive revision has been made in § 540.202 to better state that all Commission grants and contracts become subject to Subpart B on October 1, 1980.

Accordingly, Part 540 of Title 13 CFR is amended as follows:

PART 540—ADMINISTRATION

Sec.

540.001 Authority and purpose.

Subpart A—Funding of Commissions

540.101 Purpose.
540.102 Funding procedures.

Subpart B—Administrative Standards Applicable to Commissions

540.201 Purpose.
540.202 Effective date.
540.203 Internal operations code.
540.204 Commission responsibilities.
540.205 Financial assistance—General.
540.206 Administrative requirements for recipients.
540.207 Personnel.
540.208 Commission records.
540.209 Management of Commission property.
540.210 Income.
540.211 Contracting by Commissions.

Subpart C—Nondiscrimination

540.301 Title VI, Civil Rights Act of 1964.
540.302 Other statutes.

Subpart D—Compliance

540.401 Purpose.
540.402 Evaluation.
540.403 Audits.
540.404 Remedies for noncompliance.

Authority: 42 U.S.C. 3204; 42 U.S.C. 3211; 42 U.S.C. 3181 et seq.; Executive Order 11386; Department Organization Order 10-11, as amended.

§ 540.001 Authority and purpose.

(a) The Secretary of Commerce is directed by the Congress to administer Title V of the Public Works and Economic Development Act of 1965, as amended, 42 U.S.C. 3181 *et seq.* (hereinafter the "Act"), which establishes the Regional Action Planning Commission program. In this role, the Secretary is authorized to establish such rules and regulations as may be necessary under 42 U.S.C. 3211.

(b) The standards contained in this part respond to the Secretary's legal duty to insure that the Federal funds provided to the Regional Commissions for their programs and internal operations are used for purposes authorized law. The standards of this part apply to all Regional Commissions established pursuant to Title V of the Act. They are designed to assure Commissions' accountability for the Federal funds which they receive, to improve efficiency and prevent fraud, waste and abuse, and to standardize certain procedures for all Commissions while allowing them to set additional standards and to develop their own standards in most areas of operation.

(c) The membership of a Regional Commission includes the Governors of the States in a designated economic development region and a Federal Cochairman appointed by the President. Each Commission is served by a non-Federal staff, and these regulations apply to the activities carried out by the Commission and its non-Federal staff. Each Federal Cochairman and his Federal staff remain subject to the standards applicable to Federal employees and Federal agencies and establishments, except where provisions in this part specifically apply to their activities.

Subpart A—Funding of Commissions

§ 540.101 Purpose.

This subpart describes the procedures which govern how Regional Commissions receive their funding from the Department of Commerce.

§ 540.102 Funding procedures.

(a) The annual budget request for the regional development program is submitted to the Office of Management and Budget as a part of the Department of Commerce's proposed budget and, as it is approved, becomes a part of the President's budget request submitted to the Congress. The Federal Cochairmen shall prepare and submit to the Secretary any documentation and information on the Regional Commissions which the Department needs in order to formulate a budget request for presentation before budget authorities. The Federal Cochairmen also shall carry out other duties in the presentation of a budget request as may be required of them under law.

(b) Funds for Commission operations and programs which are appropriated to the Department of Commerce shall be treated as provided in the appropriation act, the authorizing statute and other applicable statutes, regulations and policies. Department of Commerce appropriated funds shall be transferred to Commissions in accordance with the program's authorizing statute and other applicable Federal laws and policies. As a condition of receiving any funds from the Secretary the Federal Cochairmen and the Regional Commissions shall submit to the Secretary such documents, reports, financial plans and other information in the form and at such times as the Secretary may require to carry out the Secretary's responsibilities under applicable law.

(c) Funds may be used by a Commission only for purposes authorized by law and in accordance with a financial plan approved by the Secretary. The principles and standards of Office of Management and Budget Circular A-122 shall be used in determining the reasonableness, allowability and allocability of specific items of cost incurred directly by a Commission. Other requirements in the Act, in this part and in internal Commission policies may restrict the allowability of certain items of cost even if allowable under A-122; these specific requirements take precedence over Circular A-122. Since the standards contained in Circular A-122 will be used in judging how a Commission uses its administrative funds, each Commission must adhere to the policies stated in A-122 when developing internal policies and approving the direct expenditure of funds.

(d) For items of cost which are allowable under OMB Circular A-122 only with the approval of the grantor agency, the Federal Cochairman of the appropriate Commission is authorized to exercise this authority. All prior approvals of specific items of cost shall be in writing.

Subpart B—Administrative Standards Applicable to Commissions

§ 540.201 Purpose.

This subpart sets certain minimum standards to be followed by the Regional Commissions in their internal operations and in administering their assistance programs. While each Commission may adopt additional criteria, the criteria specified in this subpart represent the minimum acceptable criteria to be included in a Commission's code which will assure accountability for the Federal funds provided to the Commission.

§ 540.202 Effective date.

(a) This subpart shall become effective on January 1, 1980.

(b) Any grant or contract which is initially awarded on or after January 1, 1980, shall be subject to and meet the requirements of this subpart.

(c) Any grant or contract awarded before January 1, 1980, but renewed, extended, or amended on or after January 1, 1980, becomes subject to the requirements of this subpart on October 1, 1980, except that any grant or contract so amended, extended, or renewed on or after January 1, 1980, to provide increased funding becomes subject to the requirements of this subpart at the time the agreement is amended to reflect the new funding.

(d) All grants and contracts awarded, extended, amended, or renewed on or after October 1, 1980, are subject to the requirements of this subpart.

540.203 Internal operations code.

(a) Each Commission shall adopt an internal operations code governing internal policies and procedures, which, at a minimum, must meet the requirements of this part. Hereinafter, this internal operations code is referred to as "Commission code."

(b) Prior to implementing an internal operations code, each Commission shall submit to the Department of Commerce for approval those portions of its operations code which affect and/or relate to the requirements contained in this subpart. The Secretary shall approve the submitted portions of an operations code if there is a finding that they meet the minimum criteria of this subpart. The Secretary will not act on those portions of an operations code which do not affect the criteria in this subpart. After the Secretary's approval, an operations code implemented by a Commission which continues to meet the minimum criteria of this subpart will be used in lieu of this subpart for the purpose of Departmental audits and evaluations of compliance with the rules in this subpart (see Subpart D of this part).

(c) Any proposed amendment to an approved operations code which affects any portion of the code which has been approved by the Secretary shall be submitted to and approved by the Secretary prior to its becoming effective. The Secretary shall approve the proposed amendment if it is authorized by law and meets the minimum criteria in this subpart. If the Secretary determines that the amendment does not affect the minimum criteria of this subpart, the Secretary shall take no action on it and the Commission is free to adopt or reject the amendment.

(d) If the Secretary takes no action on a proposed operations code or a proposed amendment within 45 calendar days of receiving it from a Commission, the code or amendment shall be deemed approved by the Secretary.

(e) The Department shall treat noncompliance by a Commission with any provision of its approved operations code as a violation of the corresponding rules in this part and shall take action as provided in Subpart D of this part.

(f) If a Commission's code has not been approved by the Secretary in accordance with this subpart, or if a Commission ceases to use its approved operations code, the Commission shall comply with the requirements contained in the minimum criteria in this subpart and this subpart shall be used for the purpose of Departmental evaluations and audits as described in Subpart D of this part.

§ 540.204 Commission responsibilities.

(a) Each Commission internal operations code shall contain standards as described in the remaining subsections of this section.

(b) Each code shall contain standards of conduct which shall govern the performance of Commission officers, employees or agents.

Minimum Criteria

(1) The standards shall provide for disciplinary actions to be applied for violations of the standards by officers, employees or agents.

(2) The standards shall contain the following minimum standards:

(i) *Personal financial interests.* (A) Except as provided in paragraphs (i)(B) of this section, no State Member, Alternate, person acting as an Alternate, officer, employee or agent of a Commission shall participate personally and substantially through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in any proceeding, application, award, selection, determination, grant, contract, procurement, claim, or any other activity in which, to his knowledge, at least one of the following has a financial interest that might cause a conflict of interest or create the appearance of a conflict of interest:

(1) The person himself or herself;

(2) His or her spouse;

(3) His or her minor child;

(4) His or her business partner;

(5) Any organization (other than a State or political subdivision of the State) which employs any person listed in paragraph (i)(A) *(1)*, *(2)*, *(3)*, or *(4)* of this section;

(6) Any organization (other than a State or political subdivision of the State) in which the person is serving as officer, director, trustee, partner or employee;

(7) Any person with whom he or she is serving as officer, director, trustee, partner or employee in any organization;

(8) Any person or organization with whom he or she is negotiating or has any arrangement concerning prospective employment.

(B) Exceptions to paragraph (i)(A) of this section may be obtained if the State Member, Alternate, person acting as an Alternate, officer, employee or agent—

(1) First advises the Commission of the nature and circumstances of the activity;

(2) Makes full disclosure of the financial interest in writing; and

(3) Receives in advance a written determination made by the Commission that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Commission expects from the individual involved.

The Commission shall keep a copy of each determination made under this rule in its official files.

(C) A Commission may declare void and rescind any contract or other agreement in relation to which it finds that paragraph (i)(A) of this section has been violated. If a Commission chooses not to void and rescind a contract or agreement under these circumstances, it shall place in its files a written report which states the following:

(1) The factual situation surrounding the contract or agreement;

(2) The personal financial interest involved; and

(3) The reasons for not voiding the contract or agreement.

(D) Because they remain subject to Federal criminal statutes, paragraphs (i) (A) and (B) of this section do not apply to—

(1) The Federal Cochairman and his/her Federal staff;

(2) Any Federal officer or employee detailed to a Commission pursuant to 42 U.S.C. 3186(a)(3).

(ii) *Gifts, entertainment.* (A) Except as provided in paragraph (ii)(B) of this section, no Commission employee or officer shall accept or solicit, directly or indirectly, any gift, gratuity, entertainment, loan or any other thing of monetary value, from a person who—

(1) Has or seeks contracts or grant relations or other business or financial relations with the Commission; or

(2) Has interests that may be substantially affected by the performance or nonperformance of the employee's or officer's offical duty.

(B) Nothing in paragraph (ii)(A) of this section shall prohibit—

(1) The solicitation or acceptance of any gift, gratuity, favor, loan, entertainment or any other thing of value which arises out of obvious family or personal relationships, such as those between the parents, children or spouse of the employee and the employee, so long as it is clear from the circumstances that it is the family or personal relationship rather than the business of the person concerned that is the motivating factor;

(2) The acceptance of food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting or on an inspection tour where an employee may properly be in attendance;

(3) The acceptance of loans from banks or other financial institutions on customary

terms to finance proper and usual activities of employees, such as home mortgage loans; and

(4) The acceptance of unsolicited advertising or promotional material, such as pens, pencils, note pads, or calendars, and other items of nominal value.

(c) Each code shall contain a pay schedule for employees and a schedule of identified employee benefits with corresponding policies on benefits.

Minimum Criteria

(1) Benefits include, but are not limited to, annual and sick leve, other leave, health insurance, life insurance and retirement benefits.

(2) In establishing benefits, a Commission may do one of the following:

(i) Contract for its own benefit package;

(ii) Adopt a benefits system comparable to that of the Federal Government; or,

(iii) If Commission employees are treated the same as regular State employees for benefit purposes, contract with a State Government in the region for inclusion of its employees in the State's retirement and employee benefit system. Regardless of the benefit system established, the per employee cost to the Commission of providing benefits to its employees shall not exceed the higher of the per employee cost to the Federal Government of providing benefits to Federal Government employees or the per employee cost to any State Government in the region of providing benefits to State employees. This ceiling on cost to the Commission will be determined by computing the costs to the Federal Govenment and to the State Government of the benefits which they provide to their respective employees and expressing those costs as percentages of the compensation provided to their employees; the higher of the two percentages shall be the ceiling which a Commission cannot exceed in paying for benefits to its employees.

(3) A Commission shall not establish policies on annual, sick and other leave which shall have the effect of giving higher benefits to Commission employees than Federal employees receive or a State Government in the region provides to its employees.

(4) The pay schedule, benefits and related policies must meet the applicable requirements of OMB Circular A-122 and shall not exceed limitations in the Act.

(5) The Federal share of the compensation for Commission administrative employee positions shall not exceed one-half of the rate paid by the Federal Government to persons occupying similar positions with similar responsibilities, except that the ceiling shall be 100% of the Federal rate for positions paid with 100% Federal funds. (See § 540.207(d) of this part.)

(d) Each code shall contain procedures, policies and allowable dollar amounts governing the authorization for and reimbursement of travel and transportation costs for employees in transacting official Commission business.

Minimum Criteria

(1) Travel costs include transportation, food, lodging and related costs incurred by Commission personnel in performance of their official duties away from their regular place of duty.

(2) The amount of any reimbursement for travel or transportation costs shall not exceed the amount of reimbursement allowed by the standard travel regulations of the Federal Government.

(3) Travel and transportation procedures and policies shall generally conform to the Department of Commerce standard travel regulations contained in Department Administrative Order 204-1 and the implementing Handbook.

(4) The standards of paragraphs (1), (2) and (3) of this subsection shall not apply if a Commission adopts the standard travel regulations of a State Government in the region and if a Commission employee is treated the same as a regular State employee would be for purposes of travel and transportation authorization and reimbursement.

(e) Each code shall contain payroll and attendance policies and procedures.

Minimum Criteria

(1) A timekeeper's manual shall be established by the Commission.

(2) A Commission shall keep time and attendance records on all persons employed by it in order to insure the proper recording of attendance, leave, other absences from duty and the proper distribution of hours by project.

(3) Each payroll period, only an authorized Commission supervisor or official shall verify, approve and sign the time and attendance records.

(f) Each code shall contain procedures for establishing and updating experience and education requirements for each authorized Commission employee position.

Minimum Criteria

The requirements must be reasonable, explicit, and verifiable.

(g) Each code shall contain specific policies governing the conduct and responsibilities of officers and employees and the use of Commission funds in the following areas, except to the extent covered by paragraph (b) of this section:

(1) Gifts;

(2) Entertainment;

(3) Honoraria;

(4) Training;

(5) Use of Commission time and facilities;

(6) Outside employment;

(7) Use and disclosure of employment and information;

(8) Political activities;

(9) Non-discrimination;

(10) Nepotism;

(11) Lobbying;

(12) Authorization for and expenses of conferences and meetings.

Minimum Criteria

(1) The specific policies must meet the applicable requirements of Circular A-122, except where a Commission adopts the specific policies of a state in its region to govern the twelve listed categories and the State's policies conflict with Circular A-122.

(2) The Commission code must establish a procedure by which all employees are notified of the responsibilities and rights created by this subsection.

(3) The non-discrimination policies of the Commission shall meet the applicable Federal requirements imposed on the Commissions in the areas of discrimination by race, color, national origin, sex, handicap and age. (See Subpart C of this part.)

(4) The political activities policies shall meet the applicable requirements of the Hatch Political Activity Act, 5 U.S.C. 1501 *et seq.*

(5) Policies on the use and disclosure of employment and information, at a minimum, shall address the areas of private gain, non-public information and coercion.

(6) The nepotism policy, at a minimum, shall cover those relatives identified in 5 U.S.C. 3110, the Federal nepotism statute.

(h) Each code shall contain requirements for obtaining, reviewing, and acting upon employee statements of employment and financial interests.

Minimum Criteria

(1) Each Commission code shall require statements of employment and financial interests from the Executive Director and those employees deemed by the Commission to exercise substantial responsibility in connection with the handling of funds and the award and administration of grants and contracts, such that judgment could be affected by outside employment or financial interests.

(2) Statements shall be updated yearly.

(3) At least the Federal Cochairman shall review the statements of employment and financial interests and assure that appropriate action is taken on the information contained therein in order to resolve conflicts or apparent conflicts of interest.

(4) Statements shall be held in confidence except for good cause and in conformity with applicable privacy laws.

(5) Facts disclosed in statements which indicate a conflict or apparent conflict between the personal interest of any employee and the interest of the Commission shall be investigated and referred to legal counsel as appropriate.

(6) The standards shall contain procedures and sanctions for dealing with employees with unresolved conflicts of interest.

(i) Each code shall contain an appropriate appeal procedure for employees covering:

(1) Cases of discrimination or unlawful preferential treatment;

(2) Adverse personnel actions or adverse nonactions;

(3) Violation of official and employee conduct standards.

Minimum Criteria

The procedure shall provide proper notice and the opportunity for a hearing in accordance with applicable law.

(j) Each code shall contain procedures governing audit resolutions and project closeout for grants and contracts awarded by the Commission.

Minimum Criteria

These standards shall incorporate paragraph 8 of OMB Circular A–73 and incorporate, but expand upon, Attachment K of OMB Circular A–110 and Attachments L and P of Circular A–102.

(k) Each code shall contain policies and procedures on cash advances in order to ensure that payments to recipients do not exceed identified requirements.

Minimum Criteria

Section 8 of Department of Commerce Administrative Order 203–7 on cash management shall be used as a guide for determining the subjects which must be addressed by these policies and procedures.

§ 540.205 Financial assistance—General.

Each Commission code shall meet the minimum criteria of this section.

(a) *Selection of Instrument.* Before a Commission enters into an agreement which involves the transfers of funds or other assistance to a recipient, the Executive Director shall decide whether to use a grant or a contract according to the following standards:

(1) Administrative Contracting. Procurement of supplies, services and other property with administrative expense funds for the direct benefit and use of the Commission shall be accomplished with a contract or purchase order in accordance with § 540.211 of this subpart.

(2) For-Profit Organizations. Agreements of any type, using program funds, with an individual or a for-profit firm, partnership, corporation, or other for-profit organization shall be accomplished with a contract in accordance with § 540.211 of this subpart.

(3) Non-Profit Organizations and Government Agencies. All agreements, using program funds, with colleges, universities, hospitals and other non-profit organizations and with agencies of State or local government, shall be accomplished with a grant instrument in conformity with §§ 540.205 and 540.206 of this subpart. However, a Commission may contract with the program funds for a plan, study, investigation or similar software project or the acquisition of data, when the contract is for the use and benefit of a third party who is not the contractor. This contracting will be accomplished in accordance with § 540.211 of this subpart. However, when the scope of work or the final work product is for the use and benefit of the contractor, the Commission may not use a contract but must use a grant and comply with §§ 540.205 and 540.206.

(b) *Purpose.* (1) A grant or contract may be awarded by a Commission only for a purpose or purposes authorized by Title V of the Public Works and Economic Development Act of 1965, as amended, 42 U.S.C. 3181 *et seq.*

(2) No grant or programmatic (i.e., non-procurement) contract shall be awarded unless there is an approved application from the proposed recipient which discloses how the funds will be used. Each such grant or contract shall—

(i) Contain a description of the work to be accomplished under the grant or contract (the "scope of work") which identifies final work products and the specific activities supported by the financial assistance;

(ii) Identify the goals and objectives of the assistance and how Commission funding will assist in meeting those objectives; and

(iii) Be supported by approved plans, budgets and other information submitted by the applicant/recipient to enable the Commission to evaluate the relationship of funding to goals and to perform technical evaluations and cost/price analyses as may be required.

(c) *Changes.* (1) Changes in the scope of work, the funding or any other provision or condition of a grant or contract shall be made only by formal written amendment of the agreement signed by both parties.

(2) Changes in funding for a project shall be documented in the official project file to justify the increase or decrease and shall describe the effect on the scope of work. Changes in a project scope of work shall be documented in the official project file to justify the effect or non-effect on the level of funding.

(3) If a Commission determines that there are valid reasons to approve a cost overrun involving a non-profit entity, it shall place a written justificatioin in the project file prior to approval of the increased funding. Cost overruns involving for-profit entities are not allowable except in accordance with applicable cost principles.

(4) Project files must be kept up-to-date with all changes.

(d) *Prohibitions.* (1) Program funds provided to a Commission by the Federal Government pursuant to Title V of the Act shall not be used by a Commission for the procurement of supplies, services or other property for the direct administrative benefit and use of the Commission.

(2) No grant or contract shall be entered into by a Commission for the purpose of funding an individual's salaried position in a unit of government or for paying the salary of any individual except as follows: All or any part of the compensation (and allowable benefits) of an individual may be a cost charged to grant or contract funds as an expense of carrying out specific duties detailed in the scope of work for the grant or contract. The amount of cost charged will depend upon the services rendered and the extent of benefits received in relation to grant or contract objectives and in accordance with the applicable cost principles. No grant or contract funds shall be used to pay any portion of the compensation of a Governor or an Alternate or any person who acts as an Alternate.

(3) In accordance with applicable cost principles, a grant or contract with a unit of State or local government shall not provide for payments to cover expenses for general administrative activities of an ongoing nature which the unit normally incurs to carry out its general governmental responsibilities and which the unit would have carried out even if Commission assistance were not available. Such assistance will be considered an unauthorized subsidy.

(e) *Monitoring and Evaluation.* (1) Monitoring. During the course of each project assisted, the Commission shall assess the progress of the project to (1) ensure that time schedules are being met, (2) projected work objectives are being accomplished, and (3) other performance goals are being achieved. Monitoring activities shall be documented in the project file.

(2) Evaluation. At the completion of each project assisted, the Commission shall (i) assess the results of the project in relation to its established, approved objectives; (ii) measure the overall results of program accomplishments in terms of contributions to the Commission's basic goals and objectives; and (iii) assure that evaluation activities are fully documented in the project file.

(3) A Commission shall not delegate the following to any person who is not an official or employee of the Commission:

(i) Accountability for insuring that grants and contracts are being properly monitored and that corrective actions are taken when appropriate (even when the Commission makes a supplemental grant).

(ii) Final evaluation and approval of performance and costs under grants and contracts. (When projects are funded under Section 509 of the Act, final approval of costs will be determined by the Federal agency administering the grant).

§ 540.206 Administrative requirements for recipients.

Each Commission code shall meet the criteria of this section.

(a) Each Commission shall adopt the following standards governing recipients of financial assistance:

(1) For grants to State and Local Governments, the following attachments in Office of Management and Budget (OMB) Circular A-102, as amended—

(i) A—Cash Depositories;
(ii) B—Bonding and Insurance;
(iii) C—Retention and Custodial Requirements for Records;
(iv) E—Program Income;
(v) F—Matching Share;
(vi) G—Standards for Grantee Financial Management Systems;
(vii) H—Financial Reporting Requirements;
(viii) I—Monitoring and Reporting Program Performance;
(ix) K—Budget Revision Procedures;
(x) L—Grant Close-out Procedures;
(xi) N—Property Management Standards;
(xii) O—Procurement Standards; and
(xiii) P—Audit Requirements.

(2) For grants to institutions of higher education, hospitals, and other nonprofit organizations, the following attachments in OMB Circular A-110—

(i) A—Cash Depositories;
(ii) B—Bonding and Insurance;
(iii) C—Retention and Custodial Requirements for Records;
(iv) D—Program Income;
(v) E—Cost Sharing and Matching;
(vi) F—Standards for Financial Management Systems;
(vii) G—Financial Reporting Requirements;
(viii) H—Monitoring and Reporting Program Performance;
(ix) J—Revisiion of Financial Plans;
(x) K—Close-out Procedures;
(xi) L—Suspension and Termination Procedures;
(xii) N—Property Management Standards; and
(xiii) O—Procurement Standards.

(b) The Federal Cochairman shall secure the prior written approval of the Director of the Office of Management and Budget (OMB), with a copy to the Secretary, before granting exceptions to the requirements of the attachments listed in paragraph (a) of this section.

(c)(1) If a Commission wishes to adopt a financial reporting form which is inconsistent with Attachment H of OMB Circular A-102 or Attachment G of OMB Circular A-110, the Federal Cochairman shall secure the written approval of the Director of OMB, (copy to the Secretary) before the form is put into use.

(2) Each Commission is free to negotiate indirect costs with each individual grantee, so long as any Commission-approved indirect cost rate or lump-sum payment for indirect costs does not exceed the Federally approved indirect cost rate negotiated with the recipient and the Commission does not establish policies or requirements which in effect set across-the-board ceilings for the reimbursements of indirect costs for Commission grantees.

(d) *Cost principles and standards.* (1) State and local governments. When a Commission enters into a grant or contract with a State or local government, it shall apply the principles and standards of Federal Management Circular (FMC) 74-4 for determining reasonableness, allowability and allocability of costs.

(2) Educational institutions. When a Commission enters into a grant or contract with an educational institution, it shall apply the provisions of OMB Circular A-21 (formerly FMC 73-8) for determining the reasonableness, allowability and allocability of costs.

(3) For-profit entities. When a Commission enters into an agreement with an individual or a commercial or for-profit organization, it shall apply the provisions of Subpart 1-15.2 of the Federal Procurement Regulations (41 CFR Subpart 1-15.2) for determining the reasonableness, allowability, and allocability of costs.

(4) Other Non-profits. When a Commission enters into an agreement with a nonprofit organization not covered under paragraphs (d) (1) and (2) of this section, it shall apply the provisions of OMB Circular A-122 for determining the reasonableness, allowability and allocability of costs.

(5) No Commission shall grant exceptions to the principles and standards of the cost principles referred to in paragraphs (1), (2), (3) and (4) above except as specifically provided in the terms of the cost principles or as approved by the Director of OMB in writing.

(e) Under this section, references in the cited documents to terms such as Government, Federal Government, Federal agency, sponsoring agency, or grantor agency shall be read as references to the Regional Commission.

(f) Each Commission code shall provide for incorporation of the appropriate requirements of this section into the Commission's internal policies and the terms of its grants, contracts and agreements.

§ 540.207 Personnel.

Each Commission code shall meet the criteria of this section.

(a) Each Commission may employ legal counsel in order to meet its legal services needs since the Federal Government is not responsible for legal representation of a Commission.

(b) Each Commission code shall reflect the fact that the Executive Director of a Commission is the chief administrative officer of the Commission. Subject to the policies and procedures adopted by the Commission and any applicable laws, regulations and guidelines, the Executive Director is responsible for the efficient administrative operation of the Commission and is responsible to the State and Federal Cochairmen of the Commission. Each Commission shall assign such duties to the Executive Director as it deems appropriate, but, at a minimum, the Commission code shall assign the Executive Director the authority to perform the following:

(1) To supervise and manage the Commission staff in carrying out day-to-day operations and to assure that proper administrative functions are accomplished;

(2) To develop for the approval of the Commission the administrative structure of the Commission's staff and to assign functions and duties to employees;

(3) In accordance with Commission policies and after any required Commission approval, to develop and execute on behalf of the Commission—

(i) Contracts and purchase orders;
(ii) Grant agreements;
(iii) Leases;
(iv) Travel orders;
(v) Personnel actions;
(vi) Any certification which may be required for the payment of legitimate expenses;
(vii) Any binding signature which may be required for the acceptance of funds for the Commission from the Federal Government or the member states;

(4) To develop a procurement system consistent with applicable requirements and Commission policies;

(5) To prepare an annual Commission budget for the approval of the Commission;

(6) To develop a system of budget and accounting control to insure that obligations never exceed available unencumbered funds.

(c) Each Commission code shall require adequate fidelity bond coverage of the Executive Director and such other officers and employees as the

Commission may determine. These bonds shall be obtained from companies holding certificates of authority as acceptable sureties pursuant to 31 CFR Part 223.

(d) Each Commission code shall require the Executive Director to keep an up-to-date position description for each of the Commission's authorized positions and to ensure that the description is applicable to and made available to the employee occupying the position.

§ 540.208 Commission records.

Each Commission code shall meet the minimum criteria of this section.

(a) Each Commission shall keep such records as will fully disclose the amount and disposition of the funds received from the Federal Government and all other donors or grantors and the total cost of the project or undertaking in connection with which such assistance is given or used. Commission records shall also include (1) an official file on each project assisted, (2) a record of key actions on individual projects which relate to both award and post-award monitoring and evaluation and close-out, in sufficient detail to understand the history of the project and its current status, and (3) such other records as will facilitate an effective audit.

(b) Each Commission code shall assure retention of financial records, supporting documents, statistical records, and all other records pertinent to its activities for a minimum period of three years, with the following qualifications:

(1) If any litigation, claim, investigation or audit is started before the expiration of the three-year period, the Commission shall retain the records until all litigations, claims, investigations or audit findings involving the records have been resolved.

(2) Each Commission shall retain records for nonexpendable property for three years after its final dispostion.

(3) The three-year retention requirement is not applicable to a Commission when records are transferred to or maintained by the Federal Government.

(4) If a record or set of records is covered by the Records Control Schedule for Regional Action Planning Commissions (U.S. Department of Commerce, March 1978), the Commission shall follow the requirements of the Records Control Schedule.

(c) Unless the Records Control Schedule provides another standard, a record retention period starts from one of the following two dates, whichever is later:

(1) The last day of the Federal fiscal year during which the activities occurred for which the record is kept, or

(2) If the record concerns a project, the last day of the Federal fiscal year in which the project was completed.

(d) The Federal Cochairman shall request transfer of certain Commission records to the custody of the Federal Government when it is determined that the records possess long-term retention value.

(e) The Secretary of Commerce, the Inspector General and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any pertinent books, documents, papers and records of a Commission and its recipients and contractors for the purpose of making audits, examinations, excerpts, and transcripts. Each Commission shall include this provision in all grants, contracts and agreements.

(f) A Commission shall provide for public access to its records. However, the Commission may impose limitations on access when it can demonstrate to the Federal Cochairman on the public record that such records (1) must be kept confidential and (2) would have been excepted from disclosure pursuant to the Freedom of Information Act (5 U.S.C. 552) if the records had belonged to the Federal Government instead of to the Commission.

(g) A Commission is authorized to substitute microfilm copies in lieu of original records.

§ 540.209 Management of commission property.

Each Commission code shall meet the criteria of this section.

(a) Each Commission code shall contain standards relating to the management of property furnished to the Commission by the Federal Government or acquired by the Commission in whole or in part with Federal funds. A Commission may adopt its own property standards and procedures as long as the minimum criteria of this section are included in the Commission's standards. Standards on property management which the Commissions apply to their recipients are covered in OMB Circulars A-102 and A-110.

(b) *Definitions.* The following definitions apply for the purposes of property management:

(1) Real property. Real property means land, including land improvements, structures and appurtenances, thereto, but excluding movable machinery and equipment.

(2) Personal property. Property of any kind except real property. It may be tangible (having physical existence) or intangible (having no physical existence, such as patents, inventions, and copyrights).

(3) Nonexpendable personal property. Nonexpendable personal property means tangible personal property having a useful life of more than one year *and* an acquisition cost of $300 or more per unit. A Commission code may use its own definition of nonexpendable personal property provided that such definition would at least include tangible personal property as defined above.

(4) Expendable personal property. Expendable personal property refers to all tangible personal property other than nonexpendable property described in subparagraph (3).

(5) Excess property. Excess property means Federal property under the control of any Federal agency (not a Commission) which, as determined by the head thereof, is no longer required for the agency's needs or discharge of its responsibilities.

(6) Acquisition cost of purchased nonexpendable personal property. Acquisition cost of an item of purchased nonexpendable personal property (as defined in subparagraph (3)) means the net invoice unit price of the property including the cost of modifications, attachments, accessories, or auxiliary apparatus necessary to make the property usable for the purpose for which it was acquired. Other charges such as the cost of installations, transportation, taxes, duty, or protective intransit insurance, may be included or excluded from the unit acquisition cost in accordance with the Commission's regular accounting practices.

(c) *Real property.* (1) No Commission shall use any Federal funds to purchase real property. This prohibition does not apply to bona fide Commission grantees, whose acquisition of real property is governed by the Act and the OMB Circulars. The prohibition of this subsection does not apply to a gift or donation of real property to a Commission under the authority of 42 U.S.C. 3186(a)(6).

(2) If a Commission recovers real property from a recipient of Commission assistance which used Commission funds to purchase the property, the Commission shall abide by the standards applied to the recipient in Attachment N of OMB Circulars A-102 and A-110.

(d) *Nonexpendable personal property furnished by the Federal Government.* (1) Title to Federally owned property furnished to a Commission by a Federal agency remains vested in the Federal Government unless the agency specifically transfers title to the Commission. Each Commission shall submit annually to the Federal Cochairman an inventory listing of Federally owned property in its custody. When a Commission no longer needs the Federally-owned property, it shall report the property to the Federal Cochairman who shall contact the Federal agency which provided the property to the Commission. If the Federal agency which furnished the property has no further need for the property, the agency (or the Federal Cochairman if authorized by the agency) shall declare the property excess and report it to the General Services Administration. After completion of Federal review, appropriate disposition instructions will be issued to the Commission.

(2) Use of Federally-owned property for non-Commission activities is prohibited unless approved by the Federal Cochairman, who may require that user charges be imposed.

(e) *Other nonexpendable property.* When nonexpendable tangible personal property is purchased by a Commission using Federal funds, title to the property shall not be taken by the Federal Government but shall vest in the Commission subject to the following conditions:

(1) For items of nonexpendable personal property having a unit acquisition cost of $1,000 or more and acquired with 100% Federal funds, the Federal Cochairman reserves the right to transfer title to the Federal Government or to another Commission named by the Federal Government subject to the following standards:

(i) The property will be identified to the Commission in writing at least thirty days prior to the time the title will be transferred.

(ii) The Federal Cochairman will issue disposition instructions within 120 calendar days after the end of the fiscal year in which the notice is given. If the Federal Cochairman fails to issue disposition instructions following the 120 calendar day period, the Commission shall apply the standards of paragraph (e)(2) of this section, as appropriate to the facts of the case.

(iii) When the Federal Cochairman exercises his right to take title and provides the proper notice to the Commission, the personal property shall be subject to the provisions for federally-owned property discussed in paragraph (d) of this section.

(iv) When title is transferred either to the Federal Government or to a third party the Commission shall be reimbursed by the benefitting agency for any reasonable shipping or interim storage costs.

(2) The Commission shall use each item of property for the activity for which it was acquired. When it is no longer needed for the original activity, the Commission may use the property in its other activities which are sponsored in whole or in part with Federal funds. When the Commission no longer needs the property for any activity sponsored in whole or in part with Federal funds, the property may be used for other activities in accordance with the following standards:

(i) For nonexpendable property with a unit acquisition cost of less than $1,000, the Commission may use the property as it sees fit or may sell the property and retain the proceeds.

(ii) For nonexpendable personal property with a unit acquisition cost of $1,000 or more, the Commission may retain the property for any use provided that compensation is made to the Federal Cochairman (or successor institution). The amount of compensation shall be computed by applying the percentage of Federal participation in the cost of the original purchase (50% or 100%) to the current fair market value of the property. If the Commission has no need at all for the property and the property has further use value, the Commission shall request disposition instructions from the Federal Cochairman's office, which shall determine whether it can use the property. If no requirement exists, the Federal Cochairman will report the property to the General Services Administration to determine whether a requirement for the property exists in other Federal agencies. The Federal Cochairman shall issue instructions to the Commission no later than 120 days after the recipient's request for disposition instructions and the following procedures shall govern:

(A) If so instructed or if disposition instructions are not issued within 120 calendar days after the Commission's request, the Commission shall sell the property and reimburse the Federal Cochairman an amount computed by applying to the sales proceeds the percentage of Federal participation in the cost of the original purchase (50% or 100%). However, the Commission shall be permitted to deduct and retain from the Federal share $100 or ten percent of the proceeds, whichever is greater, for the Commission's selling and handling expenses.

(B) If the Commission is instructed to ship the property elsewhere, the Commission shall be reimbursed by the benefitting Federal agency with an amount which is computed by applying the percentage of the non-Federal (State's) participation in the cost of the original purchase to the current fair market value of the property, plus any reasonable shipping or interim storage costs incurred.

(C) If the Commission is instructed to otherwise dispose of the property, the Commission shall be reimbursed by the Federal Cochairman for the costs incurred in the disposition.

(f) *Property management standards for nonexpendable personal property.* Each Commission code shall have property management standards for nonexpendable personal property (defined in paragraph (b)(3) which include the following procedural requirements:

(1) Property records shall include—

(i) A description of the property;

(ii) Identifying serial numbers;

(iii) Source of the property;

(iv) Acquisition date and cost, and whether title rests in the Commission or the Federal Government;

(v) Percentage of Federal participation in the cost of the activity for which the property was acquired;

(vi) Location, use and condition of the property and date this information was reported;

(vii) Unit acquisition cost; and

(viii) Ultimate disposition data, including date of disposal and sales price or the method used to determine current fair market value where the Commission compensates the Department.

(2) Property owned by the Federal Government (paragraph (d)) shall be marked to indicate Federal ownership.

(3) A physical inventory of all property shall be taken and the results reconciled with the property and accounting records at least once every two years. Any differences between quantities determined by the physical inspection and those shown in the accounting records shall be investigated to determine the causes of the difference. The Commission shall, in connection with the inventory, verify the existence, current utilization, and continued need for the property.

(4) A control system shall be in effect to insure adequate safeguards to prevent loss, damage or theft of the property. Any loss, damage or theft of property shall be investigated and fully documented; if the property was owned by the Federal Government, the Commission shall promptly notify the Federal Cochairman.

(5) Adequate maintenance procedures shall be implemented to keep property in good condition.

(6) Where the Commission is authorized or required to sell the property, proper sales procedures shall be established which would provide for competition to the extent practicable and result in the highest possible return.

(g) *Expendable personal property.* Title to expendable personal property shall vest in the Commission upon acquisition. If there is a residual inventory of such property exceeding $1,000 in total aggregate fair market value upon termination of Federal funding for Commissions, the Commission shall retain the property for use on nonfederally sponsored activities, or sell it, but must in either case compensate the Federal Government for its share. The amount of compensation shall be computed in the same manner as nonexpendable personal property.

(h) *Intangible Property.* Each Commission code shall contain the following standards:

(1) Inventions and patents. If any program produces patentable items, patent rights, processes, or inventions, in the course of work sponsored by Commission funds, such fact shall be promptly and fully reported by the Commission to the Department of Commerce in accordance with instructions issued by the Department. The Department shall determine whether protection on the invention or discovery shall be sought. The Department will also determine how the rights in the invention or discovery—including rights under any patent issued thereon—shall be allocated and administered in order to protect the public interest consistent with the "Government Patent Policy" (President's Memorandum for Heads of Executive Departments and Agencies, August 23, 1971, and statement of Government Patent Policy as printed in 36 FR 16889).

(2) Copyrights. The Commission has the option to allow either the author or the Commission to copyright any books, publications, or other copyrightable materials developed in the course of or under a Commission grant or contract using any funds provided by the Federal Government to the Commission, but the Department of Commerce shall reserve a royalty-free, nonexclusive and irrevocable right to reproduce, republish, or otherwise use, and to authorize others to use, the work for Government purposes.

(3) Each Commission shall include appropriate provisions in its contracts and grants to implement this subsection. The appropriate deferred patent rights clause provided for in 41 CFR 1–9.107–6(b) shall be incorporated into all grants and contracts which might produce patentable items, patent rights, processes or inventions.

§ 540.210 Income.

Each Commission code shall meet the criteria of this section.

(a) Each Commission shall account for income related to any of its activities or any of its projects financed in whole or in part with Federal funds in accordance with the standards of this section.

(b) Income means gross income earned by a Commission from activities supported by Federal funds provided to a Commission. Such earnings may include, but will not be limited to, income from service fees, sale of commodities, usage or rental fees, royalties on patents and copyrights, and any income which may be returned to a Commission by a recipient pursuant to the OMB Circulars.

(c) Any interest which is earned on any advances of Federal funds to a Commission shall be remitted to the Department of Commerce.

(d) Proceeds from the sale of real and personal property either provided by the Federal Government or purchased in whole or in part with Commission funds, shall be handled in accordance with § 540.209 of this subpart pertaining to property management.

(e) The Commission shall have no obligation to return to the Federal Government royalties received as a result of copyrights produced under work aided by Commission funds. At the determination of allocation and administrative rights in inventions and discoveries pursuant to § 540.209(h), the Department shall determine the Commission's obligation with respect to royalties received as a result of patents produced under work aided by Commission funds.

(f) Except as provided in paragraphs (c), (d) and (e), all other income earned by a Commission or received from a recipient shall be retained by the Commission and, in accordance with policies on the transfer of Federal funds to the Commission, shall be:

(1) Added to funds committed to the particular activity from which the program income arose and used to further eligible program objectives; or

(2) Deducted from the total cost of the activity from which the program income arose in determining the net costs on which the Federal share of costs will be based.

§ 540.211 Contracting by Commissions.

Each Commission code shall meet the criteria of this section.

(a) *Scope.* This section prescribes minimum standards applicable to each Commission code as it establishes procedures for procurement of or contracting for supplies, equipment and services with funds provided in whole or in part by the Federal Government to a Commission.

(b) *Purpose.* These standards are furnished to ensure that materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal law and executive orders. No additional procurement standards or requirements shall be imposed by the Department of Commerce upon Commissions unless specifically required by Federal statute or executive orders.

(c) *Applicability.* (1) The standards in this section apply whenever the Commission uses a contract in accordance with § 540.205(a) of this subpart.

(2) A Commission is not authorized to substitute the standards of this section for the financial assistance standards of §§ 540.205 and 540.206 when there is a direct relationship between the Commission and a recipient and the scope of works or final work product is for the benefit of the recipient.

(d) *Commission responsibility.* The standards contained in this section do not relieve a Commission of the contractual responsibilities arising under its contracts. The Commission is the responsible authority, without recourse to the Department of Commerce, or to the Federal Government, regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into by the Commission in support of activities using funds provided to the Commission by the Federal Government, subject to any rights of legal appeal which a contractor may have. These issues include, but are not limited to disputes; claims; protests of awards; source evaluations or other matters of a contractual nature. Matters concerning violation of law are to be referred by the Federal and State Cochairmen, Commission members or the staff immediately to the local, state, and/or Federal authority as may have proper jurisdiction.

(e) *Commission Procedures.* A Commission Code may adopt individualized procurement policies and procedures. However, all Commission Codes shall adhere to the following:

(1) Extent of competition. A Commission shall conduct all contract

transactions (regardless of whether by formal advertising and sealed bids or by negotiation and without regard to dollar value) in a manner that provides maximum open and free competition. Procurement procedures shall not restrict or eliminate competition. Examples of what is considered restrictive include placing unreasonable requirements on firms in order for them to qualify to do business or unnecessary experience and bonding requirements. A Commission should be alert to organizational conflicts of interest or non-competitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade. In order to insure objective contractor performance and eliminate unfair competitive advantage, a contractor that develops or drafts for a particular contract specifications; requirements; a statement of work; or invitations for bids or requests for proposals should be excluded from competing for the ensuing contract.

(2) Contracting procedures. Each Commission Code shall establish written procedures which provide, at a minimum, the following requirements:

(i) Before making an award, Commission officials shall review proposed contracting actions to avoid purchasing unnecessary or duplicative items. Where appropriate, these officials shall make an analysis of lease and purchase alternatives or any other appropriate analysis to determine which approach would result in the most economical, practical procurement. All analyses shall be maintained in the official contract file.

(ii) Solicitations for goods and services, whether by competitive sealed bids or competitive negotiations, shall incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such descriptions shall not, in competitive procurement, contain features which unduly restrict competition. When it is impractical or uneconomical to make a clear and accurate technical description, "brand name or equal" descriptions may be used as a means to define the performance or other salient requirements of a procurement, and when so used the specific features of the named brand which must be met by bidders/offerors shall be clearly specified.

(iii) Solicitations of offers shall also clearly set forth all requirements which offerors must fulfill and all other factors to be used in evaluating bids or proposals.

(iv) In accordance with national policy each Commission shall make positive efforts to utilize small business concerns and minority-owned and women's business enterprises as sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete for contracts utilizing Federal funds. Commissions are encouraged to procure supplies from labor surplus areas.

(v) Type of contract instrument. The type of instrument used (i.e., fixed price contracts, cost reimbursable contracts, purchase order, etc.), shall be determined by the Commission but must be appropriate for the particular transaction and for promoting the best interest of the Commission program involved. (41 CFR 1-2.104 and Subpart 1-3.4 provide some guidance in selecting the appropriate contract type.) The "cost-plus-a-percentage-of-cost-fee" and the percentage of construction cost method of contracting shall not be used.

(vi) Responsible contractors. A Commission shall award a contract only to a responsible contractor that possesses the potential ability to perform successfully under the terms and conditions of a proposed contract. The Commission shall give consideration to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources or accessibility to other necessary resources.

(vii) Sole source (Noncompetitive Negotiation). All proposed sole source contracts, or where only one bid or proposal is received, in which the aggregate cost is expected to exceed $5,000, shall not be approved until a written justification for the sole source, or one-bid, contract is placed in the official project file. (See § 540.211(e)(3)(iv) of this part.)

(viii) Technical evaluations and cost or price analysis. Each Commission shall perform and document in the project files a technical evaluation and a cost or price analysis in connection with every contract action, including contract modifications. (41 CFR 1-3.807 and 1-3.808 provide some guidance on cost/price analysis.) Price analysis may be accomplished in various ways, including the comparison of price quotations submitted, market prices and similar indicia, together with discounts. Costs analysis is the review and evaluation of each element of cost to determine reasonableness, allocability and allowability. The method and degree of analysis, however, is dependent on the facts surrounding the particular contract. The Commission should perform cost analysis when the offeror is required to submit the elements of his/her estimated cost for sole source contracts, and when adequate price competition is lacking, e.g., when only a single bid is received and it is impossible to perform a valid price analysis. Price analysis should be used in all other instances to determine the reasonableness of the proposed contract price.

(ix) Costs or prices based on estimated costs for contracts shall be allowed only to the extent that cost incurred or cost estimates included in negotiated prices are consistent with Federal cost principles.

(x) Commission contract records. Each Commission shall maintain records or files sufficient to detail the significant history of every contract. Records or files for each contract in excess of $10,000 shall include, but are not necessarily limited to, the following information:

(A) Rationale for the method of procurement;

(B) Basis for contractor selection;

(C) Justification for lack of competition when competitive bids or offers are not obtained;

(D) Basis for award cost or price; and

(E) Evidence of administering and monitoring actions during contract performance.

(xi) Contract administration. Each Commission shall maintain a system for contract administration to insure that contractors perform in accordance with the terms, conditions and specifications of their contract or purchase order (including modifications), and to identify and endeavor to resolve conditions that might adversely affect the Commission's interest.

(3) Methods of Contracting. Contracting shall be made by one of the following methods, as described herein: small purchase procedures, competitive sealed bids (formal advertising), competitive negotiation, and noncompetitive negotiation.

(i) Small purchase procedures are those relatively simple and informal procurement methods that are sound and appropriate for a procurement of services, supplies or other property, costing in the aggregate not more than $10,000. Price or rate quotations shall be obtained from an adequate number of qualified sources.

(ii) In competitive sealed bids (formal advertising), sealed bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is lowest in price.

(A) In order for formal advertising to be feasible, appropriate conditions must be present, including, as a minimum, the following:

(*1*) A complete, adequate and realistic specification or purchase description is available.

(*2*) Two or more responsible suppliers are willing and able to compete effectively for the grantee's business.

(*3*) The procurement lends itself to a firm-fixed-price contract, and selection of the successful bidder can appropriately be made principally on the basis of price.

(B) If formal advertising is used, the following requirements shall apply:

(*1*) A sufficient time prior to the date set for opening of bids, bids shall be solicited from an adequate number of known suppliers. In addition, the invitation shall be publicly advertised.

(*2*) The invitation for bids, including specifications and pertinent attachments, shall clearly define the items or services needed in order for the bidders to properly respond to the invitation.

(*3*) All bids shall be opened publicly at the time and place stated in the invitation for bids.

(*4*) A firm-fixed-price contract award shall be made by written notice to that responsible bidder whose bid, conforming to the invitation for bids, is lowest. Where specified in the bidding documents, factors such as discounts, transportation costs and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine low bid when prior experience of the Commission indicates that such discounts are generally taken.

(*5*) Any or all bids may be rejected when there are sound documented business reasons in the best interest of the program.

(iii) In competitive negotiation, proposals are requested from a number of sources and the Request for Proposal is publicized, negotiations are normally conducted with more than one of the sources submitting offers, and either a fixed-price or cost-reimbursable type contract is awarded, as appropriate. Competitive negotiation may be used if conditions are not appropriate for the use of formal advertising. If competitive negotiation is used the following requirements shall apply:

(A) Proposals shall be solicited from an adequate number of qualified sources to permit reasonable competition consistent with the nature and requirements of the procurement. The Request for Proposals shall be publicized and reasonable request by other sources to compete shall be honored to the maximum extent practicable.

(B) The request for proposal shall identify all significant evaluation factors, including price or cost where required and their relative importance.

(C) The Commission shall provide mechanisms for technical evaluation of the proposals received, determinations of responsible offerors for the purpose of written or oral discussions, and selection for contract award.

(D) Award may be made to the responsible offeror whose proposal will be most advantageous to the Commission, price and other factors considered. Unsuccessful offerors should be notified promptly.

(E) Commissions may utilize competitive negotiation procedures for procurement of Architectural/Engineering professional services, whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation.

(iv) Noncompetitive negotiation is procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate. Noncompetitive negotiation may be used when the award of a contract is infeasible under small purchase, competitive bidding (formal advertising) or competitive negotiation procedures. Circumstances under which a contract may be awarded by noncompetitive negotiation are limited to the following:

(A) The item is available only from a single source;

(B) Public exigency or emergency, when the urgency for the requirement will not permit a delay incident to competitive solicitation; or

(C) After solicitation of a number of sources, competition is determined inadequate.

(f) *Contract Provisions.* Each Commission shall include, in addition to provisions to define a sound and complete agreement, the following provisions in all contracts. These provisions shall also be applied to subcontracts.

(1) Contracts other than small purchases shall contain contractual provisions or conditions which will allow for administrative, contractual, or legal remedies in instances in which contractors violated or breach contract terms, and provide for such sanctions and penalties as may be appropriate.

(2) All contracts in excess of $10,000 shall contain suitable provisions for termination by the Commission including the manner by which termination will be effected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

(3) All contracts awarded by a Commission and its contractors or subcontractors having a value of more than $10,000 shall contain a provision requiring compliance with Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375, and as supplemented in Department of Labor regulations (41 CFR Part 60).

(4) Where applicable, all contracts awarded by a Commission or by its contractors in excess of $2,000 for construction contracts and in excess of $2,500 for other contracts that involve the employment of mechanics or laborers shall include a provision for compliance with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–330) as supplemented by Department of Labor regulations (20 CFR Part 5). Under section 103 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard work day of 8 hours and a standard work week of 40 hours. Work in excess of the standard work day or workweek is permissible provided that the worker is compensated at a rate of not less than 1½ times the basic rate of pay for all hours worked in excess of 8 hours in any calendar day or 40 hours in the workweek. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health and safety as determined under construction, safety and health standards promulgated by the Secretary of Labor. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of information.

(5) All contracts awarded by a Commission shall include a provision to the effect that the Commission, the Federal Cochairman, the Secretary of Commerce, the Inspector General and the Comptroller General of the United States, or any of their duly authorized repesentatives, shall have access to any books, documents, paper, and records of the contractor which are directly pertinent to a specific program for the purpose of making audit, examination, excerpts, and transcriptions. A

Commission shall require its contractors to maintain all required records for three years after the Commission makes final payments.

(6) Contracts and subcontracts of amounts in excess of $100,000 shall contain a provision that requires the contractor or recipient to agree to comply with all applicable standards, orders or requirements issued under Section 306 of the Clear Air Act, (42 U.S.C. 1857(h)), Section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR Part 15), which prohibit the use under non-exempt contracts, grants or loans of facilities included on the EPA list of Violating Facilities. A Commission shall report violations to the Department of Commerce and to the Environmental Protection Agency Assistant Administrator for Enforcement (EN–329).

(7) All contracts and subcontracts for construction or repair shall include a provision for compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR Part 3). This Act provides that each contractor or subcontractors shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The Commission shall report all suspected or reported violations to the Inspector General of the Department of Commerce.

(8) All construction contracts in excess of $2,000 awarded by the Commission and its subcontractors shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a-7) as supplemented by Department of Labor regulations (29 CFR Part 5). Under this Act contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less often than once a week. The Commission shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The Commission shall report all suspected or reported violations to the Inspector General of the Department of Commerce.

(9) Each contract shall include notice of Department of Commerce requirements and regulations pertaining to reporting and patent rights under any contract involving research, developmental, experimental or demonstration work with respect to any discovery or invention which arises or is developed in the course of or under such contract, and of Department of Commerce requirements and regulations pertaining to copyrights and rights in data. (See § 540.209(h) of this part for appropriate guidance.)

(10) Contracts shall require mandatory standards and policies relating to energy efficiency which are contained in the State energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Public Law 94–163).

(g) *Protest Procedures.* The Department of Commerce may develop an administrative procedure to handle complaints or protests regarding Commission contractor selection actions. The procedure shall be limited as follows:

(1) No protest shall be accepted by Commerce until all administrative remedies at the Commission level have been exhausted.

(2) Review is limited to—

(i) Violations of Federal law or regulations. Violations of State or local law shall be under the jurisdiction of State or local authorities.

(ii) Violations of the Commission's protest procedures or failure to review a complaint or protest.

Subpart C—Nondiscrimination

§ 540.301 Title VI, Civil Rights Act of 1964.

The provisions of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000 d *et seq.*, shall apply to each Commission as an entity empowered to extend Federal financial assistance and as a recipient of such assistance. Each Commission shall adopt as its own requirements the regulations of the Department of Commerce implementing Title VI contained in 15 CFR, Subtitle A, Part 8. The Commission and every program or activity receiving Federal assistance directly or indirectly from or through the Commission, shall be subject to and comply with those regulations adopted by the Commission.

§ 540.302 Other statutes.

Each Commission and its recipients shall comply with the following nondiscrimination statutes and regulations:

(a) Title IX of the Education Amendments Act of 1972 (20 U.S.C. 1681) prohibiting discrimination on the basis of sex in Federally assisted education programs or activities.

(b) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) prohibiting discrimination on the basis of handicap under any program or activity receiving Federal financial assistance.

(c) The Age Discrimination Act of 1975 (42 U.S.C. 6101 *et seq.*) prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance; and

(d) Section 112 of Public Law 92–65 (42 U.S.C. 3123) prohibiting sex discrimination under any program or activity receiving assistance under the Public Works and Economic Development Act of 1965, as amended.

Subpart D—Compliance

§ 540.401 Purpose.

This subpart describes procedures by which the Secretary of Commerce will monitor and evaluate Commission compliance with the requirements of this Chapter and with applicable Federal law.

§ 540.402 Evaluation.

(a) The Secretary shall establish monitoring and reporting procedures which may be necessary in order to determine compliance by each Commission with applicable Federal law and with the standards contained in this Chapter (13 CFR Chapter V).

(b) The Secretary shall periodically evaluate each Commission's performance and compliance with law.

§ 540.403 Audits.

In accordance with applicable Federal law and policy, the Inspector General of the Department of Commerce shall establish a schedule for audits of Commissions.

§ 540.404 Remedies for noncompliance.

(a) If a Commission fails to comply with any requirement in this Chapter or the Act, and after reasonable notice to the Commission, the Secretary may take such steps as may be necessary, including the suspension of funding for the Commission and the withholding of further payments pending corrective action by the Commission or other appropriate actions by the Department of Commerce.

(b) In accordance with any applicable Federal laws and policies, the Department shall provide the opportunity for a hearing in cases of suspension of funding or the withholding of funds.

Issued: September 11, 1980.

Frances E. Phipps,

Special Assistant to the Secretary for Regional Development.

[FR Doc. 80-28676 Filed 9-16-80; 8:45 am]

BILLING CODE 3510-36-M

CIVIL AERONAUTICS BOARD

14 CFR Part 385

[Amendment No. 104 to Part 385; Regulation OR-172]

Delegations and Review of Action Under Delegation; Nonhearing Matters

AGENCY: Civil Aeronautics Board.

ACTION: Amendment of delegations.

SUMMARY: The CAB makes several technical amendments to its delegation of authority to its Associate General Counsel, Rules and Legislation, to reflect organizational and procedural changes that have taken place. No substantive changes are made.

DATE: Adopted: September 12, 1980. Effective: September 17, 1980.

FOR FURTHER INFORMATION CONTACT: Richard B. Dyson, Associate General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: In ER-1089, 43 FR 60870, December 29, 1978, the Board revised Part 263 to allow air carrier associations to appear before it without a formal request, on the basis of informal member authorizations that the associations need to present only upon the Board's request. This new informal procedure makes obsolete the Associate General Counsel's authority in § 385.20(a) to grant or deny associations' petitions to participate. That paragraph is therefore revoked.

The delegation of authority in § 385.20(d) to the Associate General Counsel, Rules and Legislation, to grant or deny extensions of time to comment on "economic or procedural regulations" is too narrow, since other types of regulations are issued and the delegation was intended to cover all types. The phrase "economic or procedural" is therefore deleted from § 385.20(d).

Also in § 385.20(d), since the Board occasionally requests comments on rules that for good cause must be made effective immediately, the words "or final" are inserted after the word "proposed."

Part 385 is amended to reflect the title changes that have resulted from reorganization of the Office of the General Counsel. "Associate General Counsel, Rules," is changed to "Associate General Counsel, Rules and Legislation." "Associate General Counsel, Routes" is changed to "Associate General Counsel, Pricing and Entry."

Since this amendment is administrative in nature, affecting a rule of agency organization and procedure, the Board finds that notice and public procedure are unnecessary, and that the rule may become effective immediately.

Accordingly, the Board amends 14 CFR Part 385, *Delegations and Review of Action Under Delegation; Nonhearing Matters*, as follows:

1. Throughout Part 385, the title "Associate General Counsel, Rules," is changed to read "Associate General Counsel, Rules and Legislation," wherever it appears. Wherever the title, "Associate General Counsel, Routes," appears, it is changed to "Associate General Counsel, Pricing and Entry."

2. In § 385.20, Paragraph (a) is revoked and reserved, and paragraph (d) is amended, as follows:

§ 385.20 Delegation to Associate General Counsel, Rules and Legislation.

The Board hereby delegates to the Associate General Counsel, Rules & Legislation, the authority to:

(a) [Reserved]

* * * * *

(d) Approve or disapprove, for good cause shown, requests to extend the time for filing comments on all proposed or final new or amended regulations, and requests to extend comment periods following the issuance of final rules.

* * * * *

(Secs. 204, and 401 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754; 49 U.S.C. 1324, 1371)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-28742 Filed 9-16-80; 8:45 am]

BILLING CODE 6320-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 231

[Release No. 33-6240]

Interpretative Release Relating To Delayed Offerings by Foreign Governments or Political Subdivisions Thereof

AGENCY: Securities and Exchange Commission.

ACTION: Publication of staff interpretation.

SUMMARY: The Commission announces today that the Division of Corporation Finance (the "Division") has released an interpretative letter setting forth the Division's views regarding the use of registration statements for delayed offerings by foreign governments or political subdivisions thereof.

FOR FURTHER INFORMATION CONTACT: Carl T. Bodolus or Ronald Adee, (202/272-3246, 272-3250), Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: Securities issued or guaranteed by a foreign government or political subdivision thereof are registered under the Securities Act of 1933 (the "1933 Act") (15 U.S.C. 77a et seq., as amended) by filing a registration statement containing the information specified in Schedule B of the 1933 Act as well as additional statistical information regarding the issuer, its country, economy, and government.[1] These registration statements, which are analogous in scope to a Form S-1 (17 CFR 239.11), are comprehensive and lengthy documents. The Division believes that the delayed offering procedure set forth in the interpretative letter below is a feasible method of permitting seasoned registrants on Schedule B to utilize an approach similar to the Form S-16 (17 CFR 239.27).

The Division feels that this approach has several benefits. It reduces the time and expense for the registrant in preparing filings necessary to register an offering. It streamlines the registration process and will permit the Division's staff to examine carefully the registrant's disclosure annually rather than several times a year in a cursory fashion, thereby also reducing the time burden on the staff. This approach may also benefit investors since registrants will be able to register easily offerings made in the international bond market from which United States investors are typically excluded.[2]

In view of the advantages of this procedure, the Division announces that it would issue an interpretative letter, similar to the one below, to all registrants similarly situated. This interpretation is in the nature of an experiment, and its use will be monitored. If appropriate, the Division may, in the future, recommend to the

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[1] Transnational organizations, sovereign nations, provinces, municipalities, development banks, school districts are among the various types of entities that have filed Schedule B registration statements. Therefore, the exact nature of this additional information varies according to the type of entity that is the registrant.

[2] Cf. Release No. 33-4708 (July 9, 1964).

Commission that rules codifying this interpretation be proposed and adopted.

Although this release is an announcement of existing Division policy, interested persons are invited to send comments or suggestions to the staff members mentioned in the forepart of the release.

Re: Country of X ("X")

Dear ————:

This is in response to your letter of ———— in which you request the staff's interpretative advice concerning the public offering and sale in the United States of the debt securities of "X" registered under the Securities Act of 1933 (the "1933 Act") pursuant to a shelf registration statement.

We understand the facts to be as follows: "X" filed its first registration statement under the 1933 Act on ————, and has to date offered publicly in the United States an aggregate of $———— principal amount of its debt securities pursuant to ——— registration statements. The registration statements and the related prospectuses used in connection with these offerings have contained the information specifically required by Sections 7 and 10 and Schedule B of the 1933 Act as well as additional statistical and other information with regard to "X".

In light of the increasingly volatile markets for debt securities, "X" proposes the following procedure to register the offerings and sales of its securities in the United States. Initially, a registration statement would be filed under the 1933 Act to register a maximum amount of debt securities (of undetermined maturities, redemption provisions, interest rates and other terms) to be offered from time to time on a "firm commitment" basis through groups of underwriters to be named in subsequent amendments to the registration statement during a period of 12 months from the effective date of the registration statement. The basic prospectus included in the registration statement (the "Basic Prospectus") would contain substantially the same general political, economic and statistical information with regard to "X" that appears in its present prospectus. The Basic Prospectus would include detail as to "X"'s funded and floating debt and the budget information required by paragraphs (3) and (5) of Schedule B of the 1933 Act, as well as certain other general information required by Schedule B. The Basic Prospectus would also include a general statement concerning the use of the net proceeds of any offering covered by the registration statement, including the general statutory purposes for which "X" may issue debt. Any necessary changes in response to comments of the Commission's staff would be reflected in a pre-effective amendment which would then be declared effective.

In the case of "X", the statistical information in its prospectus can generally be updated at least once a year, although current information with respect to various statistics is available at different times during the year. Accordingly, the registration statement, including the Basic Prospectus, would be updated by post-effective amendments to the extent necessary to cause the Basic Prospectus to comply with Section 10(a)(3) of the 1933 Act.

Although a registration statement would be effective under the 1933 Act, "X" would undertake not to sell any portion of the registered securities until a post-effective amendment describing the particular offering had been filed and declared effective under the 1933 Act. These post-effective amendments would include a supplement (the "Prospectus Supplement") to the Basic Prospectus, which would be essentially in the form of a Form S-16 prospectus and would include the following information: the distribution spread, use of proceeds, plan of distribution, description of the security offered, summary information, and recent material developments. For a specific issue, "X" would file a Preliminary Prospectus Supplement that would be analogous to a preliminary prospectus since it would contain the information listed above except for pricing information and the names of the underwriters. "X" would undertake to make no sales until a pricing amendment in the form of a Final Prospectus Supplement had been filed with the Commission and declared effective. The Prospectus Supplements and the current version of the Basic Prospectus would be circulated and the staff would receive information on the distribution pursuant to Guide 19 of Release No. 33-4936.

Based upon the facts presented, and especially noting that (1) a new registration statement containing a Basic Prospectus will be filed annually, (2) the Preliminary Prospectus Supplements will be distributed before sales, (3) no sales will be made until the Final Prospectus Supplement has been declared effective, and (4) offerings of securities outside the United States may be registered by this procedure, this Division will not recommend any enforcement action to the Commission if the securities of "X" are offered and sold pursuant to the procedure described above.

Because this position is based upon the representations made to the Division in your letter, it should be noted that any different facts or conditions might require a different conclusion. Further, this response only expresses the Division's position on enforcement action and does not purport to express any legal conclusion on the questions presented.

Accordingly, 17 CFR Part 231 is amended by adding this release thereto.

By the Commission.

George A. Fitzsimmons,

Secretary.

September 10, 1980.

[Doc. 80-28766 Filed 9-16-80; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM 80-16; Order No. 86A]

Disclosed Estimation Methodology Approach for Determination of Volumes of Natural Gas Used for Exempt Purposes Under the Incremental Pricing Program

Issued September 5, 1980.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order granting in part and denying in part rehearing of Order No. 86.

SUMMARY: On May 8, 1980, the Federal Energy Regulatory Commission issued Order No. 86 in this docket. That Order established procedures to be used until November 1, 1981, by industrial users in calculating the volumes of natural gas subject to incremental pricing surcharges (45 FR 31983, May 15, 1980). Three timely petitions for rehearing of Order No. 86 were filed. The petitions filed by Process Gas Consumers Group and Phelps Dodge Corporation are denied. The petition of United Distribution Companies is granted and the regulations are amended to rescind the submetering requirement and to make the estimating procedures effective on a permanent basis.

EFFECTIVE DATE: October 15, 1980

FOR FURTHER INFORMATION CONTACT: Barbara Christin, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357-8446.

I. Background

On May 8, 1980, the Federal Energy Regulatory Commission (Commission) issued Order No. 86 in Docket No. RM80-16. That order established procedures to be used until November 1, 1981, by industrial users in calculating the volumes of natural gas subject to incremental pricing surcharges (45 FR 31983, May 15, 1980).

Timely petitions for rehearing were filed by United Distribution Companies, Phelps Dodge Corporation, and the Process Gas Consumers Group *et al.* (Process Gas *et al.*).[1] On July 7, 1980, the Commission granted rehearing of Order No. 86 solely for purposes of further consideration. The arguments raised by petitioners are discussed below.

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[1] Joint petition for rehearing filed by the Process Gas Consumers Group, the American Iron and Steel Institute, and Republic Steel Corporation.

II. Discussion

A. Submetering

In Order No. 86 the Commission postponed the effective date of the submetering requirement and extended the use of the estimating procedures for an additional year, until November 1, 1981. In taking this action the Commission noted its reluctance to rescind the submetering requirement and implement the disclosed estimation methodology approach on a permanent basis. The estimating procedures had only been in effect for four months, "an inadequate period of time for the Commission to determine whether the approach would provide a sound regulatory mechanism on a long term basis". (Order No. 86 at 3–4.) In addition, at the time Order No. 86 was issued the scope of the incremental pricing program was uncertain. A Phase II rule had been promulgated in Docket No. RM80–10 which expanded the incremental pricing program to include all industrial uses of natural gas. That Phase II rule, however, was subject to Congressional review and could not become effective if disapproved by either House of Congress.

United Distribution Companies (UDC), in its petition for rehearing, requested that the Commission adopt on a permanent basis the "disclosed estimation methodology" approach reflected in Order No. 86. They argued that the extensive record in this docket contains "uncontroverted evidence" that submetering is an impractical, expensive, and sometimes impossible method for implementing an already difficult program, and supports the disclosed estimation methodology as a practical method for determining natural gas volumes subject to incremental pricing surcharges.

UDC also argued that, even if the uncertain scope of the Phase II program were a sufficient ground to postpone implementation of the disclosed estimation methodology approach on a permanent basis, such ground no longer exists. On May 20, 1980, the House of Representatives passed a Resolution of Disapproval of the Phase II rule. This action limits the scope of the incremental pricing program to natural gas used as boiler fuel by industrial boiler fuel facilities.

The Commission has reviewed the record in this docket and is persuaded by the arguments set forth in UDC's petition. The estimating procedures have now been in effect for almost eight months and continue to illustrate that they provide a practical method for determining volumes of natural gas subject to incremental pricing surcharges. Accordingly, the Commission amends Order No. 86 to rescind the submetering requirement and make the disclosed estimation methodology approach effective on a permanent basis.

B. Self-Help Supplies

The petition for rehearing filed by Process Gas *et al.* asked that the Commission clarify or modify § 282.207(c)(3) to provide that an end-user has complete discretion to designate the end-uses for self-help volumes of natural gas in those situations in which the user's own gas is transported through its own pipeline facilities under neither a Commission program nor a contract with another entity.

The Commission rejects this proposal. The requirement for prorating self-help supplies is clearly set forth in § 282.207(c)(3)(iv) of the regulations. If the self-help supplies described above are commingled with utility-supplied volumes then, for purposes of incremental pricing, the user must prorate its self-help supplies among all its end-uses.

Process Gas *et al.* also asked the Commission to modify Order No. 86 to permit a user to designate for boiler fuel uses volumes of natural gas received under the Order No. 533/Order No. 2 program (Order No. 533 program).[2] The Commission declines to so modify Order No. 86.

The Order No. 533 program establishes a direct sale program for process and feedstock users of natural gas. The amendments to this program promulgated in Order No. 52[3] permit customers to receive natural gas from interstate system supplies or other direct sale programs for low priority uses without jeopardizing their right to receive direct sale gas under the Order No. 533 program for process and feedstock uses. Although specific end-use restrictions on an entire facility have been removed by Order No. 52, the volumetric limits retained demonstrate the Commission's intention to attribute natural gas received under the Order No. 533 program to process and feedstock uses. Accordingly, as the Commission stated in Order No. 86, volumes of natural gas received under the Order No. 533 program shall be deemed for purposes of incremental pricing to be consumed for uses other than boiler fuel. (Order No. 86 at 11–12.)

C. Retroactive Applicability of § 282.207(c)(3)

Under the final rule in Order No. 86 some users were relieved of the requirement in the interim rule to prorate volumes of self-help supplies among all end-uses. The final rule provides for such proration only in those situations where (1) self-help volumes are not transported pursuant to Commission authorization or certification, or pursuant to specified contracts between the buyer and the seller; or (2) a designation of self-help volumes for specified end-uses cannot be supported by plant operating data.

Petitions for rehearing filed by Phelps Dodge Corporation and Process Gas *et al.* requested that the self-help designation rules in Order No. 86 be made retroactive to January 1, 1980. They also argued that the final rules should have provided a mechanism whereby adjustments could be made to pemit refunds of incremental pricing surcharges to those parties who allegedly were improperly assessed during the interim rule's effective period.

The Commission denies the above requests. The Commission does not view § 282.207(c)(3) of the final regulations as correcting an error but rather as improving the interim rule. Moreover, to grant retroactive relief or adjustments would result in an additional administrative burden that would far outweigh the overall benefit to be gained. Lastly, it should be noted that such retroactive application of § 282.207(c)(3) would result in a detriment to those users whose surcharges were actually less under the interim rule than under the final rule.

D. Treatment of Space Heat

Process Gas *et al.* argued that the formula set forth in § 282.207(c)(1) for the treatment of volumes of natural gas used to raise steam for space heating purposes should be modified.

In Order No. 86 the Commission discussed the argument of Process Gas *et al.* and fully set forth its rationale for the formula adopted in § 282.207(c)(1). (Order No. 86 at 4–7.) The petitioner's request for rehearing on this issue is denied for the reasons stated in Order No. 86.

For the reasons set forth above, the Commission grants in part and denies in part rehearing of Order No. 86 in Docket No. RM80–16. Moreover, the regulations are amended to reflect the Commission's decision to rescind the submetering requirement and make the disclosed estimation methodology approach effective on a permanent basis.

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[2] 18 CFR 2.79. FPC Orders Nos. 533, 533–A; FERC Orders Nos. 2, 2–A, and 52.

[3] Order No. 52, Docket No. RM80–1, issued October 5, 1979, 44 FR 60080 (October 18, 1979).

The Commission Orders

For the reasons set forth above the Commission orders:

(1) The petitions for rehearing of Order No. 86 filed by Process Gas *et al.* and Phelps Dodge Corporation are denied.

(2) The petition for rehearing of Order No. 86 filed by United Distribution Companies is granted.

(3) Effective October 15, 1980, Part 282 of Subchapter I, Chapter 1, Title 18, Code of Federal Regulations, is amended as set forth below.

By the Commission.

Kenneth F. Plumb,
Secretary.

§ 282.207 [Amended]

1. Part 282 is amended in the table of sections and in the text of the regulations by deleting from the title to § 282.207 the words "for the period January 1, 1980, through October 31, 1981".

2. Section 282.204 is amended by revising paragraphs (d)(5) and (d)(6) to read as follows:

§ 282.204 Obtaining an exemption.

* * * * *

(d) *Exemption on the basis of affidavit.* * * *

(5) *Effect of filing an exemption affidavit claiming a total exemption.* If the owner or operator of an industrial boiler fuel facility files an affidavit in accordance with subparagraph (4) of this paragraph, claiming that all of the natural gas used in the facility is exempt from incremental pricing surcharges, then natural gas used in the facility shall be exempt from incremental pricing under this part.

(6) *Effect of filing an exemption affidavit claiming a partial exemption.* If the owner or operator of an industrial boiler fuel facility files an affidavit in accordance with subparagraph (4) of this paragraph, claiming that a portion of the natural gas used in the facility is not subject to incremental pricing surcharges, then natural gas used in the facility shall be exempt from incremental pricing under this part to the extent determined in accordance with § 282.207.

3. Section 282.504 is amended by revising paragraph (c)(2) to read as follows:

§ 282.504 Incremental pricing surcharge.

* * * * *

(c) *Surcharges on non-exempt industrial boiler fuel facilities.* * * *

(2) *MSAC of a non-exempt industrial boiler fuel facility.* The MSAC of a non-exempt industrial boiler fuel facility for the previous month shall be determined in accordance with the following formula:

$$M = \frac{[(A-R)(V)]}{1+T}$$

Where:

M=MSAC of the non-exempt industrial boiler fuel facility.

A=Alternative fuel price ceiling applicable to the non-exempt industrial boiler fuel facility for the previous month, plus taxes.

R=Rate per million Btu's (excluding any incremental pricing surcharge), plus taxes, at which the non-exempt industrial boiler fuel facility purchased gas from the natural gas supplier during the previous month.

V=Volume of natural gas (at 1,000 Btu's per cubic foot) supplied by the natural gas supplier to the non-exempt industrial boiler fuel facility for boiler fuel use during the previous month, deemed to be the total volume of natural gas supplied to the facility during the month, unless otherwise determined in accordance with § 282.207.

T=Total percentage tax rate reflecting any state and local taxes applicable to an incremental pricing surcharge.

* * * * *

[FR Doc. 80-28625 Filed 9-16-80; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 882

[Docket No. R-80-697]

Section 8 Housing Assistance Payments Program—Existing Housing Elimination of Rent Reduction Incentive

Correction

In FR Doc. 80-27641, appearing on page 59308, in the issue of Tuesday, September 9, 1980, make the following correction:

On page 59309, second column, the first and second line of "§ 882.115(d)" should have read:

"(d) As of October 9, 1980, no family entering the . . .".

BILLING CODE 1505-01-M

DEPARTMENT OF JUSTICE

Office of Justice Assistance, Research, and Statistics

28 CFR Part 23

Criminal Intelligence Systems Operating Policies

AGENCY: Department of Justice/Office of Justice Assistance, Research, and Statistics.

ACTION: Final rule.

SUMMARY: These Criminal Intelligence Systems Operating Policies are added to Part 23 of 28 CFR. The purpose of the reissuance is to make these standards applicable to intelligence systems funded under the formula grant program, the $5,000,000 State and Local Drug Strike-Force Grant Program as well as categorical grant programs administered by the Law Enforcement Assistance Administration. Two modifications to the Criminal Intelligence Systems Operating Policies are also announced. The first modifies the mandatory two-year review period. The second clarifies the procedure for certification of compliance with the standards.

EFFECTIVE DATE: September 12, 1980.

FOR FURTHER INFORMATION CONTACT: Charles A. Lauer, Acting General Counsel, Office of Justice Assistance, Research, and Statistics, U.S. Department of Justice, Washington, D.C. 20531 (202) 724-7792.

SUPPLEMENTARY INFORMATION: On June 13, 1980, OJARS proposed to add several sections to Part 23 of 28 CFR to comply with its statutory mandate to promulgate policy standards for criminal intelligence systems operated through support under the JSIA. Interested persons were invited to submit comments on the proposed rulemaking to OJARS. The comments received expressed no objection. Accordingly, this final rule is the same as the proposed rule.

Policies for the funding and operation of the Law Enforcement Assistance Administration (LEAA) Discretionary Funded Intelligence Systems were adopted June 30, 1978 (43 FR 28572). The LEAA was reorganized by the Justice System Improvement Act of 1979 (JSIA), Pub. L. 96-157, 93 Stat. 1167, 42 U.S.C. 3701 et seq. Section 818(c) of that Act requires that the Office of Justice Assistance, Research, and Statistics prescribe policy standards for all criminal intelligence systems operated through support under the JSIA. The policies must assure that the funding and operation of intelligence systems further the purposes of the Act and not in violation of the privacy and constitutional rights of individuals.

Accordingly the 1978 guidelines have been revised to cover formula (those funds allocated to the states which are thereafter awarded by the states and local governments) as well as categorical (discretionary) grants funded under the JSIA. They also cover systems funded under the State and Local Drug Strike Force Grant Program. 28 CFR Ch. 1 (28 CFR Ch. 1, 45 FR 28321 dated April 29, 1980) delegated authority to administer the State and Local Drug Strike Force Grant Program to the Director of the Office of Justice Assistance, Research, and Statistics. The Director was authorized to promulgate regulations as are necessary and appropriate for the effective administration of that program. The program is authorized under a $5,000,000 fund for "joint state and local law enforcement agencies engaged in cooperative enforcement efforts with respect to drug related offenses, organized criminal activity and all support activities related thereto" (Pub. L. 96–132, November 30, 1979). A program announcement setting forth the criteria for awards under the State and Local Drug Strike Force Grant Program has been promulgated and may be found in the June 13, 1980 issue of the **Federal Register.**

Two substantive amendments to the guidelines are now in effect:

(1) A modification of the mandatory two-year review period; and

(2) A clarification of the procedures for certification of compliance with the standards.

At the time the operating guidelines were originally published in the **Federal Register,** a number of comments were received which indicated that the two year period of review would be an undue burden. However, we believed at that time that we should at least attempt a two-year review period. Further consultation with the criminal justice agencies, Federal, State, and local, having intelligence operations indicates that a two-year periodic review of all retained information within intelligence files may be an ideal goal to work towards, but would require additional personnel far in excess of available resources.

The length of time needed to review intelligence file information to determine if it is obsolete, misleading or otherwise unreliable is directly related to the amount of information to be reviewed and the manpower available to do the job. The review of intelligence files involves these steps: (1) Intelligence analysts or a file maintenance person must first identify information to be reviewed, (2) As most of the intelligence information contained in an interjurisdictional intelligence operation has been submitted by individual member agency intelligence units, a formal request must then be made of the member agency to validate the information on file, (3) The member agency must then perform its own review and often additional investigation to reach a decision on the retention of the information under review, and (4) The member agency must then re-submit the information or the reasons for recommending destruction, to the intelligence operation where it must then be re-examined before final action is taken.

The modification provides the same degree of insuring the integrity of the files. The change will delete the required two year review on all information and require a periodic review of all information on a time schedule developed by the individual agency. However, the modification retains the two-year period by providing that where the information to be disseminated or utilized has been retained within the system but has not been reviewed for a period of two years, it must be reviewed and validated before it can be utilized or disseminated.

The second modification deals with the interpretation given (by operating agencies) that every agency submitting or receiving information from the intelligence operation must sign a compliance form. Agencies have also interpreted this provision as extending to every other agency which subsequently deals with an agency that submits and receives information from the covered intelligence system. Thus, § 23.30(a)(3) is being clarified to show the extent to which written compliance is necessary.

Part 23 is added to Title 28 CFR to read as follows:

PART 23—CRIMINAL INTELLIGENCE SYSTEMS OPERATING POLICIES

Sec.
23.1 Purpose.
23.2 Background.
23.3 Applicability.
23.20 Operating principles.
23.30 Funding guidelines.
23.40 Monitoring and Auditing of Grants for the Funding of Intelligence Systems.

Authority: Pursuant to the authority vested in the Office of Justice Assistance, Research, and Statistics by sections 818(c) and 802(a) of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3701, *et seq.,* as amended by the Omnibus Crime Control Act of 1970, Pub. L. 91–644, 84 Stat., 1880 (Jan. 2, 1971), the Crime Control Act of 1973, Pub. L. 93–83, 87 Stat. 197 (Aug. 6, 1973), the Juvenile Justice and Delinquency Prevention Act of 1974, Pub. L. 93–415, 88 Stat. 1109 (Sept. 7, 1974), the Public Safety Officers' Benefits Act of 1976, Pub. L. 94–430, 90 Stat. 1346 (Sept. 29, 1976), the Crime Control Act of 1976, Pub. L. 94–503, 90 Stat. 2407 (Oct. 15, 1976), the Juvenile Justice Amendments of 1977, Pub. L. 95–155, 91 Stat. 1048 (Oct. 3, 1977), and the Justice System Improvement Act of 1979, Pub. L. 96–157, 93 Stat. 1167.

§ 23.1 Purpose.

The purpose of these regulations is to assure all criminal intelligence systems operating through support under the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3701, *et seq.,* as amended (Pub. L. 90–351, as amended by Pub. L. 93–83, Pub. L. 93–415, Pub. L. 94–430, Pub. L. 94–503, Pub. L. 95–115, and Pub. L. 96–157), are utilized to conformance with the privacy and constitutional rights of individuals.

§ 23.2 Background.

It is recognized that certain criminal activities including but not limited to loan sharking, narcotics, trafficking in stolen property, gambling, extortion, smuggling, bribery, and corruption of public officials often involve some degree of regular coordination and permanent organization involving a large number of participants over a broad geographical area. The exposure of such ongoing networks of criminal activity can be aided by the pooling of information about such activities. However, the collection and exchange of intelligence data necessary to support control of serious criminal activity may represent potential threats to the privacy of individuals to whom such data relates, Policy Guidelines for Federally funded projects are required.

§ 23.3 Applicability.

(a) These standards are applicable to all criminal intelligence systems operating through support under the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3701, *et seq.,* as amended (Pub. L. 90–351, as amended by Pub. L. 93–83, Pub. L. 93–415, Pub. L. 94–430, Pub. L. 94–503, Pub. L. 95–115, and Pub. L. 96–157) or under the State and Local Drug Strike Force Grant Program (Pub. L. 96–68 and Pub. L. 96–132).

(b) As used in these policies, "Intelligence Systems" means the arrangements equipment, facilities, and procedures used for the continuing storage, exchange and analysis of criminal intelligence data, however, the term does not include modus operandi files; "interjurisdictional Intelligence Systems" means those systems for the continuing exchange of criminal intelligence data between local, county, or larger political subdivisions, including the exchange of data between State or local agencies and units of the Federal Government.

§ 23.20 Operating Principles.

(a) Criminal intelligence information concerning an individual shall be collected and maintained only if it is reasonably suspected that the individual is involved in criminal activity and that the information is relevant to that criminal activity.

(b) No records shall be maintained or collected about political, religious or social views, association or activities of any individual group, association, corporation, business or partnership unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct.

(c) No information which has been obtained in violation of any applicable Federal, State, or local law or ordinance shall be included in any criminal intelligence system.

(d) Intelligence information shall be disseminated only where there is a need to know/right to know the data in the performance of a law enforcement activity.

(e)(1) Except as noted in (2) below, intelligence information shall be disseminated only to other law enforcement authorities who shall agree to follow procedures regarding data entry, maintenance, security, and dissemination which are consistent with these standards.

(2) Paragraph (1) above shall not limit the dissemination of an assessment of criminal intelligence information to a Government official or to any other individual, when necessary, to avoid imminent danger to life or property.

(f) Agencies maintaining criminal intelligence data shall adopt administrative, technical, and physical safeguards (including audit trails) to insure against unauthorized access and against intentional or unintentional damage. A written record indicating who has been given data, reason for release and date of each dissemination outside the agency is to be kept. Information shall be labeled to indicate levels of sensitivity, levels of confidence, and the identity of control agencies and officials. Each agency must establish written standards for need to know/right to know under subsection (d).

(g) Procedures shall be adopted to assure that all information which is retained has relevancy and importance. Such procedures shall provide for the periodic review of data and the destruction of any information which is misleading, obsolete or otherwise unreliable and shall require that any recipient agencies be advised of such changes. All information retained as a result of this review must reflect the name of the reviewer, date of review and explanation of decision to retain. Any information that has been retained in the system but has not been reviewed for a period of two (2) years must be reviewed and validated before it can be utilized or disseminated.

(h) If automated equipment for use in connection with a criminal intelligence system is to be obtained with funds under the grant, then:

(1) Direct remote terminal access to data shall not be made available to system users; and

(2) No modifications to system design shall be undertaken without prior LEAA approval.

(i) LEAA shall be notified prior to initiation of formal information exchange procedures with any Federal, State, regional, or other information systems not indicated in the grant documents as initially approved at time of award.

(j) Assurances shall be made that there will be no purchase or use in the course of the project of any electronic, mechanical, or other device for surveillance purposes that is in violation of the provisions of Title III of Pub. L. 9–351, as amended, or any applicable state statute related to wiretapping and surveillance.

(k) Assurances shall be made that there shall be no harassment or interference with any lawful political activities as part of the intelligence operation.

(l) Sanctions shall be adopted to control unauthorized access, utilization, or disclosure of information contained in the system.

§ 23.30 Funding Guidelines.

(a) LEAA and state criminal justice agencies shall apply the following funding guidelines to all categorical grant applications, and formula grant applications the principal purpose of which is the funding of intelligence systems. Systems shall only be funded where a grantee agrees to adhere to the principles set forth above and the project meets the following criteria:

(1) The proposed collection and exchange of data has been coordinated with and will support ongoing or proposed investigatory or prosecutorial activities relating to specific areas of criminal activity.

(2) The areas of criminal activity in connection with which intelligence data are to be utilized represents a significant and recognized threat to the population and: (i) Is either undertaken for the purpose of seeking illegal power or profits or poses a threat to the life and property of citizens; (ii) Involves a significant degree of permanent criminal organization; and (iii) Is not limited to one jurisdiction.

(3) Control and supervision of information collection and dissemination for the intelligence system will be retained by the head of a government agency or by an individual with general policy making authority who has been expressly delegated such control and supervision by the head of the agency. This official shall certify in writing that he takes full responsibility and will be accountable for the information maintained by and disseminated from the system and that the operation of the system will be in compliance with the standards set forth in § 23.20.

(4) Where the system is an interjurisdictional system the governmental agency which exercises control and supervision over the operation of the system shall have the head of that agency or an individual with general policymaking authority who has been expressly delegated such control and supervision by the head of the agency, (i) officially responsible and accountable for actions taken in the name of the joint entity and (ii) certify in writing that he takes full responsibility and will be accountable for insuring that the information transmitted to the interjurisdictional system or to other agencies will be in compliance with the standards set forth in § 23.20. The standards set forth in § 23.20 shall be made part of the By-laws or operating procedures for that system. Each member agency, as a condition of membership, must accept in writing these standards which govern the collection, maintenance and dissemination of information included as part of the interjurisdictional system.

(5) Intelligence data will be collected primarily for State and local law enforcement efforts—exceptions being made only for cases involving joint State-Federal efforts.

§ 23.40 Monitoring and audit of grants for the funding of intelligence systems.

(a) Grants for the funding of intelligence systems will receive specialized monitoring and audit in accordance with a plan designed to insure compliance with operating principles as set forth in § 23.20. Such plan shall be approved prior to award of funds.

(b) All such grants shall be awarded subject to a Special Condition requiring compliance with standards set forth in § 23.20.

(c) An annual notice will be published by OJARS which will indicate the existence and objective of all systems for the continuing interjurisdictional exchange of intelligence data which are funded under the Act.

These amendments become effective September 12, 1980.

Robert F. Diegelman,

Acting Director, Office of Justice Assistance, Research, and Statistics.

[FR Doc. 80-28684 Filed 9-16-80; 8:45 am]

BILLING CODE 4410-18-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2617

Reporting and Notification Requirements for Reportable Events; Corrections

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule; corrections.

SUMMARY: On August 20, 1980, the Pension Benefit Guaranty Corporation published in the **Federal Register** at 45 FR 55636, FR Doc. 80-25249, a final regulation prescribing reporting and notification requirements for reportable events under section 4043 of the Employee Retirement Income Security Act of 1974. This document makes certain corrections (other than of typographical errors) in the regulation and its preamble.

EFFECTIVE DATE: September 19, 1980.

FOR FURTHER INFORMATION CONTACT: David Weingarten, Special Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006, (202) 254-3010. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: FR Doc. 80-25249, appearing at 45 FR 55636 (August 20, 1980) is corrected as follows:

1. On page 55636, column 3, change lines 26 to 47 to read as follows:

In addition, a plan administrator is required to file a 30-day notice with the PBGC with respect to the following three reportable events only under limited circumstances:

(1) Amendment decreasing benefits payable (§ 2617.13);

(2) Active participant reduction (§ 2617.14); and

(3) Distribution to a substantial owner (§ 2617.18).

For only two reportable events specifically listed in § 4043—inability to pay benefits when due (§ 4043(b)(6)) and failure to meet ERISA's minimum funding standards (§ 4043(b)(8))—is a 30-day notice always required. In addition, the three new reportable events, which are drafted to avoid unnecessary reporting, are all required to be reported within 30 days.

2. On page 55641, column 2, in line 45, insert the word "the" immediately before the word "plan" and in line 46, insert the following immediately before the word "should": "would know or have reason to know that a reportable event has occurred. Thus, the PBGC believes that a plan administrator".

3. On page 55644, column 1, line 28, insert the words "or will be" immediately following the word "are".

§ 2617.23 [Corrected]

4. On page 55650, column 3, in the fifth line of Paragraph (a)(2) of § 2617.23, insert the words "or will be" immediately following the word "are".

(Secs. 4002(b)(3), 4043, 4065, Pub. L. 93-406, 88 Stat. 1004, 1024-25, 1032 (29 U.S.C. 1302(b)(3), 1343, 1365))

Issued at Washington, D.C., this 12th day of September, 1980

Ray Marshall,

Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

[FR Doc. 80-28686 Filed 9-16-80; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 62

[DOD Directive 1010.4] [1]

Alcohol and Drug Abuse by DOD Personnel

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: This rule states the Department of Defense alcohol and drug abuse prevention policy; implements standards prescribed by law and statutes; and establishes policy concerning drug abuse paraphernalia. It articulates the goal of the Department of Defense to be free of the effects of alcohol and drug abuse, and of the possession, use, sale, or promotion of drug abuse paraphernalia.

EFFECTIVE DATE: August 25, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. John F. Mazzuchi, Director of Education and Rehabilitation, Office of the Assistant Secretary of Defense (Health Affairs) Washington, D.C. 30201, Telephone 202-695-6800.

SUPPLEMENTARY INFORMATION: In FR Doc. 68-2221, appearing in the **Federal Register** on February 22, 1968 (32 FR 3277), the Department of Defense published Part 62 of this title, establishing DoD policies for preventing and eliminating drug abuse by members of the armed forces. In FR Doc. 69-7941, appearing in the **Federal Register** on July 8, 1969 (32 FR 11299), the Department of Defense published an amendment to Part 62 of this title. In FR Doc. 70-14788, appearing in the **Federal Register** on November 4, 1970 (32 FR 16974), the Department of Defense published a revision to Part 62.

The following document is a further revision of Part 62 which now incorporates the Department of Defense's alcohol abuse prevention program.

Accordingly, 32 CFR, Chapter I, is amended by revising Part 62, reading as follows:

PART 62—ALCOHOL AND DRUG ABUSE BY DOD PERSONNEL

Sec.
62.1 Purpose.
62.2 Applicability.
62.3 Definitions.
62.4 Policy.
62.5 Responsibilities.

Authority: 5 U.S.C. 301, Pub. L. 92-255, 91-616, 92-129, and 91-513.

§ 62.1 Purpose.

This Part states the DoD alcohol and drug abuse prevention policy, and implements the standards contained in Pub. L. 92-255 (86 Stat 65), as amended, 91-616 (84 Stat 1848), as amended, and 92-129 (85 Stat 361), as amended, and the Federal Personnel Manual (FPM) Supplement 792-2, February 1980.

(b) In addition, this part establishes policy concerning drug abuse paraphernalia.

§ 62.2 Applicability.

The provisions of this part apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies. The term "Military Services" includes the Army, Navy, Air Force, and Marine Corps.

§ 62.3 Definitions.

The following definitions are for operational use within the Department of Defense. They do not change definitions in statutory provisions and those regulations and directives that are concerned with determination of misconduct and criminal or civil responsibilities for persons' acts or omissions.

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[1] Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120. Attention: Code 301.

(a) *Alcohol and Drug Abuse.* The use of alcohol and/or other drugs to an extent that it has an adverse effect on the user's health or behavior, family, community, or the Department of Defense and/or the illegal use of such substances.

(b) *Drug Trafficking.* The illegal or wrongful introduction of drugs into a military installation, with the intent of selling or transferring the drugs; or the illegal or wrongful sale, transfer, or distribution of drugs as they are listed in current schedules of the Controlled Substances Act, Title II, Comprehensive Drug Abuse and Control Act of 1970 (Pub. L. 91–513) (21 CFR Parts 1300–1316).

(c) *Alcohol and Drug Dependence.* The reliance on alcohol and/or other drugs following administration on a periodic or continuing basis. Dependence may be psychological or physical, or both.

(1) *Psychological Dependence.* The craving for the mental or emotional effects of a drug that manifests itself in repeated use and leads to a state of impaired capability to perform normal functions.

(2) *Physical Dependence.* An alteration or state of adaptation to a drug after repeated use that results in withdrawal symptoms when the drug is discontinued abruptly and/or the development of tolerance.

(d) *Drug Abuse Paraphernalia.* All equipment, products, and materials of any kind that are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the Controlled Substances Act.

§ 62.4 Policy.

(a) It is the goal of the Department of Defense to be free of the effects of alcohol and drug abuse; of the possession of and trafficking in illicit drugs by military and civilian members of the Department of Defense; and of the possession, use, sale, or promotion of drug abuse paraphernalia. Alcohol and drug abuse is incompatible with the maintenance of high standards of performance, military discipline, and readiness. Therefore, it is the policy of the Department of Defense to:

(1) Assess the alcohol and drug abuse and drug trafficking situation in or influencing the Department of Defense.

(2) Not induct persons into the Military Services who are alcohol or drug dependent and not hire persons who are alcohol or drug dependent if that dependency impairs job performance.

(3) Deter and detect alcohol and drug abuse within the Armed Forces and defense community and drug trafficking on installations and facilities under the control of the Department of Defense.

(4) Provide continuing education and training to commanders, supervisors, program personnel, and other military members and civilian employees and their families concerning this policy and effective measures to alleviate problems associated with alcohol and drug abuse.

(5) Treat or counsel alcohol and drug abusers and rehabilitate the maximum feasible number of them.

(6) Discipline and/or discharge drug traffickers and those alcohol and drug abusers who cannot or will not be rehabilitated, in accordance with appropriate laws, regulations, and instructions.

(7) Work in concert with national alcohol and drug abuse prevention programs, maintaining appropriate relationships with governmental and nongovernmental agencies.

(8) Prohibit members of the Armed Forces, and DoD civilians while on the job, to possess, sell, or use drug abuse paraphernalia.

(9) Prohibit the possession or sale of drug abuse paraphernalia by DoD resale outlets to include military exchanges, open messes, and commissaries, and by private organizations and concessions located on DoD installations.

(b) The Department of Defense encourages DoD Components to use, as guidance and as a legal background in addressing paraphernalia issues, the Model Drug Paraphernalia Act prepared by the Drug Enforcement Administration, at the request of the President (Model Drug Paraphernalia Act, Drug Enforcement, March 1980, Volume 7, No. 1).

(c) Programs and standards of care promulgated in execution of this policy for military personnel shall be in compliance with Pub. L. 92–129.

(d) Programs and standards of care promulgated in execution of this policy for civilian employees shall be in compliance with Pub. L. 92–255, Pub. L. 91–616, and FPM Supplement 792–2.

§ 62.5 Responsibilities.

(a) The *Assistant Secretary of Defense (Health Affairs) (ASD(HA)),* or designated representative, is responsible for the development, coordination, and supervision of the DoD alcohol and drug abuse prevention program, in accordance with this part and shall:

(1) In coordination with the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) (ASD(MRA&L)), develop and promulgate policies designed to ensure that the DoD alcohol and drug abuse prevention programs reach military members, their families, DoD civilian employees and, to the extent feasible, their families. Programs and standards of care for family members shall be consistent with those for the military and civilian components, with accepted practice in the alcohol and drug abuse area, and with applicable laws and jurisdictional limitations.

(2) In coordination with the ASD(MRA&L), issue DoD instructions to implement the DoD alcohol and drug abuse prevention program, with specific attention to the functional areas of assessment, deterrence and detection, treatment and rehabilitation, and education and training.

(3) Act as focal point for the Department of Defense for interagency and nongovernmental coordination of national alcohol and drug abuse prevention programs.

(4) Evaluate and report upon the effectiveness and efficiency of the DoD alcohol and drug abuse prevention program.

(5) Establish a DoD Alcohol and Drug Abuse Advisory Committee to advise on policy and program matters. The Committee shall include representatives of each Military Service, designated by the Military Department concerned, and such other advisors as the ASD(HA), or designated representative, considers appropriate. The Committee charter shall be approved by the ASD(HA).

(b) The *Secretaries of the Military Departments and Directors of Defense Agencies* shall establish and operate programs prescribed by this part and supporting DoD instructions. They may make exceptions to the policy contained in this part only for legitimate medical, educational, and operational purposes. This authority shall not be delegated.

(c) In addition, the *Secretaries of the Military Departments* shall require appropriate commanders to assess the availability of drug abuse paraphernalia in the vicinity of DoD installations through their Armed Forces Disciplinary Control Boards and in conformity with the Armed Forces Disciplinary Control Boards and Off-Installation Military Enforcement Guidance, and take appropriate action, when the availability of drug abuse paraphernalia reveals a threat to the discipline, health, welfare, or morals of the Armed Forces.

Dated: September 11, 1980.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 80-28648 Filed 9-16-80; 8:45 am]

BILLING CODE 3810-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 117

[FRL 1606-8]

Water Programs; Determination of Reportable Quantities for Hazardous Substances

AGENCY: Environmental Protection Agency.

ACTION: Notice of effective date.

SUMMARY: This notice establishes the date on which the determination of reportable quantity regulation, 40 CFR Part 117, will be applicable to common carriers. When published on August 29, 1980, 40 CFR Part 117 deferred its applicability to discharges of hazardous substances from common carriers. Beginning November 20, 1980, common carriers will be required to report discharges of hazardous substances as provided for under Subpart C of 40 CFR Part 117.

EFFECTIVE DATE: November 20, 1980.

FOR FURTHER INFORMATION CONTACT: Joseph Krivak, Director, Criteria and Standards Division (WH-585), Office of Water Planning and Standards, 401 M Street, S.W., Washington, D.C. 20460 (202) 755-0100.

SUPPLEMENTARY INFORMATION: On August 29, 1979, the Environmental Protection Agency ("EPA") published a regulation in the **Federal Register** (44 FR 50766) establishing a new Part 117 in the Code of Federal Regulations entitled "Determination of Reportable Quantities for Hazardous Substances." The regulation established reportable quantities for those substances designated as hazardous in 40 CFR Part 116, and provided that discharges of such amounts be reported to the Federal Government (§ 117.21). Discharges of reportable quantities also give rise to civil penalties (§ 117.22) and liability for clean-up costs (§ 117.23).

The regulation became effective on September 28, 1979, except for discharges of hazardous substances which have been offered to common carriers who are required to accept such substances for shipment in compliance with applicable tariffs. EPA recognized that under regulations and practices then in existence, not all hazardous substances would be identified as such in applicable shipping papers. Thus, common carriers may not have known if their cargoes contained hazardous substances, and would have had great difficulty in complying with the requirement to report discharges of designated hazardous substances.

On May 22, 1980, the Department of Transportation ("DOT") promulgated regulations (45 FR 34560) requiring identification of hazardous substances shipped in quantities greater than or equal to a reportable quantity, 49 CFR Parts 171 and 172. Certain packages containing low concentrations of hazardous substances were excluded from DOT's identification requirements. See § 171.18 and preamble discussion, 45 FR 34568-70. DOT's regulations become effective on November 20, 1980.

Accordingly, appropriate identification of shipments containing hazardous substances will soon be in place and EPA's regulations will be made applicable to all discharges, including those from common carriers on the same date (November 20, 1980) on which DOT's regulations pertaining to hazardous substances become effective. The discussion regarding possible changes in existing tariffs which appeared in the preamble to EPA's August 29, 1979 regulations, (44 FR 50775-76) is of course no longer applicable.

It should be noted that both DOT's regulations (49 CFR 117.17) and EPA's regulations (40 CFR 117.21, referencing 33 CFR 153.203) provide for immediate notification to the Federal Government of discharges in reportable quantities. The toll-free notification number (800-424-8802) is identical under both regulations. Notification made pursuant to DOT regualtions will be considered notification pursuant to EPA regulations.

Dated: September 11, 1980.

Douglas M. Costle,

Administrator.

[FR Doc. 80-28651 Filed 9-16-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 125

[FRL 1607-3]

Ocean Discharge Criteria

AGENCY: Environmental Protection Agency ("EPA").

ACTION: Notice of availability of final regulation.

SUMMARY: Copies of EPA's forthcoming ocean discharge criteria implementing Section 403(c) of the Clean Water Act will be available to the public on September 30, 1980

ADDRESS: Copies of the regulation will be available at EPA, Room 741, East Tower, 401 M St., S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Kenneth Farber, Office of Water Planning and Standards (WH-586), EPA, 401 M St., S.W., Washington, D.C. 20460, 202-472-5746.

SUPPLEMENTARY INFORMATION: EPA is under a court order to promulgate regulations establishing ocean discharge criteria under Section 403(c) of the Clean Water Act, 33 U.S.C. § 1343(c). The order originally required EPA to deliver the final regulation to the office of the **Federal Register** by July 30, 1980. Recently, the court amended its order, so that EPA is now required to deliver the regulation to the **Federal Register** by September 30, 1980. The court has also ordered the Agency, by that date, to make a copy of the final regulation available to any interested person. In accordance with the court's order, this is to give notice that copies of the final regulation will be available at EPA on September 30, 1980, after 3:00 pm, at the address and room noted above.

Dated: September 11, 1980

Steven Schatzow,

Deputy Assistant Administrator for Water Regulations and Standards.

[FR Doc. 80-28672 Filed 9-16-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 423

[FRL 1606-3]

Steam Electric Power Generating Point Source Category; Amendment to BPT Variance Clause

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Because a recent Court decision may create confusion about EPA's position on an issue of fundamental importance under the Clean Water Act, EPA is amending a regulation to emphasize its position. The regulation applies to the steam electric power industry. The amendment specifies that a plant's impact on receiving water quality is not relevant to the issue of whether the plant may receive a "variance" from national "best practicable technology" limitations.

EFFECTIVE DATE: October 31, 1980.

FOR FURTHER INFORMATION CONTACT: Richard G. Stoll, Jr. (A-131), Assistant

General Counsel, EPA, 401 M Street, S.W., Washington, D.C. 20460, (202) 755–0960.

SUPPLEMENTARY INFORMATION:

I. Introduction

A basic requirement of the Clean Water Act [1] is that all industrial plants must at a minimum limit their pollution discharges to the Nation's waters to a level representative of the "best practicable technology currently available" ("BPT") as defined by EPA for that type of plant §§ 301(b)(1)(A), 304(b)(1)(B). EPA has issued regulations specifying BPT limits on a national basis for numerous industrial categories and subcategories.

Because of time and resource constraints, EPA generally bases its national BPT limits on data from plants which EPA has judged to be representative in terms of the relevant technical, engineering, and cost characteristics. Because EPA does not base its national limits on data from every plant in a category or subcategory, EPA includes a "variance clause" in each BPT regulation. This clause provides an opportunity for an individual plant to show that it is "fundamentally different" from the plants EPA examined in setting the national limits. In such a case, a new BPT limit may be set at such level as is legally appropriate for that plant.

One important issue relating to the BPT variance clause is whether a plant's impact on receiving water quality may be a relevant factor. EPA has long maintained that the Clean Water Act precludes consideration of this factor. As discussed below, two court decisions have affirmed EPA's position. A recent court decision, however (*"Applachian II"*), expressed doubt as to whether EPA has actually adopted the foregoing position. The decision also indicated disagreement with such a position in some respects.

II. Background to "Appalachian II" Decision

On October 8, 1974, EPA published national BPT limits and a variance clause for the steam electric power industry. 40 CFR Part 423, 39 FR 3686 *et seq.* The variance clause did not specify whether economic factors could be considered. On August 12 and 20, 1974, however, EPA had ruled they could not. 39 FR 28926 and 30073. On July 16, 1976, the U.S. Court of Appeals for the Fourth Circuit rejected the steam electric variance clause because EPA excluded economic factors. *Appalachian Power Co.* v. *Train,* 545 F.2d 1351, 1358–60 (*"Appalachian I."*)

On September 29, 1978, EPA amended the steam electric variance clause to comply with the *Appalachian I* decision. 43 FR 44846–48. The amended clause, however, did not explicitly address the receiving water quality issue discussed above. Essentially the same group of power companies which sued in *Appalachian I* sued again in the Fourth Circuit. This time, they argued that EPA's variance clause was defective because it failed to account for variations in receiving water quality. EPA's attorneys responded in their brief that receiving water quality cannot legally be considerd as a relevant factor.

In its opinion of April 28, 1980, the Court refused the power companies' request to vacate the variance clause. *Appalachian Power Co., et al.* v. *EPA,* 620 F.2d 1040 (*"Appalachian II"*). A copy is reprinted below as Exhibit A. The Court based its decision on the assumption that EPA would allow consideration of water quality, and dismissed statements to the contrary in EPA's brief as the "mere assertion of an attorney." The Court indicated its belief that the Clean Water Act required EPA to allow consideration of water quality.

Because the Court refused to ascribe EPA's attorneys' argument to EPA, its rejection of that argument may be regarded as undefinitive, or *dicta,* in lawyers' parlance. Nevertheless, EPA petitioned the Court for a rehearing because of the potential for confusion. A copy is reprinted below as Exhibit B. EPA pointed out that EPA has indeed adopted the position stated in its brief, and that this position had been upheld in another Fourth Circuit decision (*Consolidation Coal Co.* v. *Costle,* 604 F.2d 239, 244–245 (1979)) and by another Court of Appeals (*Weyerhaeuser Co.* v. *Costle,* 590 F.2d 1011, 1041–1044 (D.C. Cir. 1978)). On May 27, 1980, the Court denied EPA's petition for rehearing. A copy of the denial is reprinted below as Exhibit C.

III. Need for Amendment to Power Plant Variance Clause

The *Appalachian II* Court premised its opinion on the assumption that EPA's brief did not represent EPA's position. EPA has, however, formally adopted and consistently adhered to the position in its brief. I accordingly believe it is necessary to amend the clause to resolve any possible ambiguities regarding EPA's intent. The amendment should provide an opportunity for a definitive judicial resolution of this issue.

IV. Explanation of EPA's Position

On June 7, 1979, EPA published a BPT variance clause for all industries other than power plants.[2] 40 CFR 125.30–32, 44 FR 32950–1.[3] This clause provides that "the impact of a discharge on local receiving water quality" may not be a ground on which to grant a variance. 40 CFR 125.31(3)(4). As explained in the preamble to this regulation:

> [S]pecific receiving water quality is not a relevant factor in the fundamentally different factors variance context. To allow relaxation from technology-based limits because of case-by-case variations in receiving water quality would be grossly violative of the Act and contrary to its fundamental principles.

44 FR 32893–4.

I have already thoroughly explained the basis for this position. *In Re Louisiana-Pacific Corp,* 10 ERC 1841 (1977).[4] A copy of this decision is attached as Exhibit D. As my decision shows, Congress concluded in 1972 that earlier water pollution legislation had been ineffective because of the complexities of relating water quality effects to discharge levels. Congress accordingly made a basic policy judgment in the 1972 statute: dischargers were to meet technology-based control requirements at a minimum and and variations in receiving water quality were not to be relevant in setting these requirements.

My decision shows that Congress recognized that its basic policy judgment might in some cases require controls where no direct, site-specific water quality benefit could be shown. Congress deliberately chose this approach, however, as preferable to one in which control efforts could be bogged down interminably by highly technical scientific and legal disputes. Moreover, by requireing each plant—regardless of its location—to reduce its discharges in this fashion, Congress assured general improvement in the quality of the nation's waters.

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[1] Pub. L. 92-500 (1972) as amended by Pub. L. 95-217 (1977).

[2] EPA has placed the BPT variance clause for power plants on a different "track" than the BPT variance clause for all other industries because EPA disagrees with the *Appalachian I* ruling to the extent it requires consideration of § 301(c) factors (including affordability) in the BPT variance context. EPA recently secured a writ of *certiorari* for Supreme Court review of this issue. *EPA* v. *National Crushed Stone Association, et al.,* No. 79–770.

[3] EPA published minor technical amendments to this clause at 45 FR 33512, May 19, 1980.

[4] The *Appalachian II* Court expressed agreement with the result in *Louisiana-Pacific,* in which I denied variances for two pulp mills. The Court interpreted my position to be that a variance cannot be granted where water quality is the *only* fundamental difference. My position is much broader: water quality is not a relevant factor to be considered, whether alone or with other factors. Moreover, I see no point in considering a factor if it could not, when all other factors are equal, tip the scale.

In the 1977 Amendments to the Clean Water Act, Congress changed this approach in some respect for certain types of dischargers, for certain types of limitations, and for certain types of pollutants.[5] Significantly, Congress made no such change with respect to BPT limitations for industrial dischargers such as power plants. In fact, as the Fourth Circuit noted in *Consolidated Coal* (604 F.2d at 245) and as the D.C. Circuit noted in *Weyerhaeuser* (590 F.2d at 1043), Congress refused to amend the Act in this regard despite pleas from industrial interests to do so. As Senator Muskie stated in explaining the new amendments:

> Although numerous changes have been made to sections 301 and 304, effluent limitations and guidelines developed pursuant to these sections remain technology-based standards. *Except to the extent expressly provided in the statute, such limitations cannot be varied or modified due to the nature or quality of receiving waters.*

Cong. Rec. daily edition, S. 19646, December 15, 1977, emphasis added.

V. Conclusion

Congress chose in 1972, and reaffirmed in 1977, a policy under which receiving water quality impact is irrelevant in determining BPT for any industrial plant. Because the *Appalachian II* Opinion was premised on the assumption that this was not EPA's official position, I feel it is incumbent upon me to amend the power plant variance clause to make the position totally clear. Because the amendment imposes no new duties or obligations and reflects EPA's long-standing position, I find for good cause that it would be unnecessary to propose this amendment for public comment.

Consistent with 40 CFR 100.01 (45 FR 26048, April 17, 1980) this amendment shall be considered issued for purposes of judicial review at 1:00 p.m. eastern time on October 1, 1980, and effective on October 31, 1980.

(Secs. 301, 304, and 501, Clean Water Act, 33 U.S.C. 1311, 1314, and 1361)

Dated: September 10, 1980.

Douglas M. Costle,

Administrator.

§§ 423.12, 423.22, 423.32, and 423.42 [Amended]

40 CFR Part 423 is amended by adding the following sentence to the end of §§ 423.12(a), 423.22(a), 423.32(a), and 423.42 (introductory paragraph):

* * * * *

* * * In no event may a discharger's impact on receiving water quality be considered as a factor under this paragraph.

Exhibit A—U.S. Court of Appeals for the Fourth Circuit

[Nos. 74-2096, 74-2188, 74-2196, 74-2236, 74-2263, 74-2264, 74-2265, 74-2268, 74-2269, 74-2270, 74-2286, 74-2298, 74-2312, 74-2313, 74-2315, 74-2339, 74-2340, 74-2341, 74-2343, 74-2365, 74-2366, 74-2396, 75-1014, 75-1020, 75-1021, 75-1022, 75-1047, 75-1074, 75-1078, 75-1091, 75-1094, 75-1095, 75-1198, 75-1199, 75-1200, 75-1201, 75-1202, 75-1203, 75-1223, 75-1255, 75-1345, 75-1346, 75-1347, 78-1701, 78-1878, 78-1902]

Appalachian Power Co., Baltimore Gas and Electric Co., Carolina Power & Light Co., Duke Power Co., Monongahela Power Co., Ohio Power Co., Potomac Edison Co., Potomac Electric Power Co., South Carolina Electric & Gas Co., Virginia Electric and Power Co., West Penn Power Co. (Petitioners) v. Russell E. Train, as Administrator, Environmental Protection Agency (Respondent) Alabama Power Co., Et Al, Jersey Central Power & Light Co., Metropolitan Edison Co. and Pennsylvania Electric Co. (Intervenors).

On Petitions for Review of Actions of the Administrator of the Environmental Protection Agency*

Argued: April 4, 1979.
Decided: April 28, 1980.

Before Breitenstein,** Senior Circuit Judge, Widener and Phillips, Circuit Judges

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[5] Section 301(g) now authorizes relaxations from "BAT" (1984-1987) limitations on water quality grounds for industrial dischargers for non-toxic, non-conventional pollutants. Section 301(h) now authorizes relaxation from "secondary treatment" limitations on water quality grounds for municipal ("POTW") discharges into marine waters.

*The following Petitions for Review, all naming Train as Respondent, were consolidated:

74-2188—National Rural Electric Cooperative Association

74-2196—Georgia Power Company

74-2236—Tampa Electric Company

74-2263—Indiana & Michigan Electric Company

74-2264—Indiana-Kentucky Electric Corporation

74-2265—Illinois Power Company

74-2268—Pacific Gas and Electric Company

74-2269—San Diego Gas & Electric Company

74-2270—Southern California Edison Company, a California Corporation

74-2286—Mississippi Power Company

74-2298—Arkansas Power & Light Company and Arkansas-Missouri Power Company

74-2312—Gulf Power Company

74-2313—Alabama Power Company

74-2315—Boston Edison Company, Holyoke Water Power Company, Nontaup Electric Company, New England Power Company, Public Service Company of New Hampshire, Western Massachusetts Electric Company

74-2339—Consolidated Edison Company of New York, Inc.

74-2340—Pennsylvania Power & Light Company

74-2341—Philadelphia Electric Company

74-2343—Florida Power & Light Company

74-2365—Dairyland Power Cooperative

74-2366—Commonwealth Edison Company

74-2396—Mississippi Power & Light Company, Louisiana Power & Light Company, and New Orleans Public Service, Inc.

75-1014—Western Farmers Electric Cooperative, a corporation

75-1020—Alabama Electric Cooperative, Inc.

75-1021—Buckeye Power, Inc., Indiana and Michigan Power Company, Kentucky Power Company, Ohio Electric Company, Ohio Power Company, Ohio Valley Electric Corporation

75-1022—Brazos Electric Power Cooperative, Inc.

75-1047—Connecticut Light & Power Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, Long Island Lighting Company, New York State Electric & Gas Corporation (Intervenors)

75-1074—Corn Belt Power Cooperative

75-1078—Texas Utilities Generating Company, Dallas Power & Light Company, Texas Electric Service Company, Texas Power & Light Company

75-1091—Public Service Electric & Gas Company

75-1094—Union Electric Company

75-1095—Central Iowa Power Cooperative

75-1198—South Texas Electric Cooperative, Inc.

75-1199—Central Power & Light Company and West Texas Utilities Company

75-1200—State of Texas

75-1201—Houston Lighting & Power Company

75-1202—Tennessee Valley Authority

75-1203—Brazos River Authority

75-1223—Cincinnati Gas & Electric Company, Cleveland Electric Illuminating Company, Columbus & Southern Ohio Electric Company, Dayton Power & Light Company, Ohio Edison Company, Toledo Edison Company

75-1255—Union Electric Company, a Missouri Corporation

75-1345—Platte River Power Authority

75-1346—City of Lamar, a municipal corporation of the State of Colorado, and The Lamar Utilities Board

75-1347—Tri-State Generation and Transmission Association, Inc.

78-1701—Appalachian Power Company, et al.

78-1878—Natural Resources Defense Council, Inc.

78-1902—Natural Resources Defense Council, Inc.

**Honorable Jean S. Breitenstein, United States Circuit Judge for the Tenth Circuit, sitting by designation.

George C. Freeman, Jr. (Turner T. Smith, Jr., William A. Anderson, II, E. Gabriel Smith, Hunton & Williams on brief) for Petitioners Appalachian Power Company, et al.; James Taylor Banks (Stephen H. Schroeder, Ronald J. Wilson on brief) for Petitioner NRDC; Richard G. Stoll, Deputy Associate General Counsel, EPA (Joan Z. Bernstein, General Counsel, James A. Rogers, Associate General Counsel, EPA; James W. Moorman, Assistant Attorney General, Land and Natural Resources Division, Bradford F. Whitman, Assistant Chief, Pollution Control Section, Barry J. Trilling, Department of Justice on brief) for Respondents

WIDENER, Circuit Judge:

These actions arise because of EPA amending its regulations to comply with our mandate in *Appalachian Power Co. v. Train,* 545 F2d 1351 (1976). In *Appalachian Power,* approximately seventy power companies sought review of the Environmental Protection Agency's (EPA) regulations promulgated under authority of the Federal Water Pollution Control Act (Act).[1] The power companies now challenge EPA's amendments to parts of 40 CFR Part 423 [2] on grounds that they do not fully comply with *Appalachian Power.* Part 423 sets out the best practicable technology (BPT) limitation standards for the steam electric power industry. National Resources Defense Council (NRDC), through its petitions, also seeks a review of certain EPA BPT regulations, not on the ground that *Appalachian Power* has not been complied with but on the ground that § 301(1), 33 USC § 1311(1), a 1977 amendment to the Act, prohibits EPA from modifying any of § 301, 33 USC § 1311, including BPT limitations, for toxic pollutants. It also challenges the EPA variance amendments on the ground that they did comply with *Appalachian Power* so far as the factors in § 301(c) are referred to in the amended regulations.

In 1972, Congress passed the Federal Water Pollution Control Act (Act) with an ultimate goal of no pollutant discharges into our nation's waters. Toward that ultimate goal, Congress established increasingly stringent standards of pollution control. Phase I of the Act sets best practicable technology (BPT) limitations to go into effect in 1977.[3] In 1983, best available technology (BAT) limitation standards are to go into effect.[4] Several parts of the Act were amended in 1977 but the basic goals and strategies of the Act remain intact. EPA is given broad power under the Act so that it may insure that the phases of improvement can be achieved. In order to carry out its obligation, EPA promulgated regulations setting single number effluent limitations for various industries in order to commence the achievement of the goal of the statute. In *duPont,* we held that EPA had the authority to promulgate such effluent limitations which are to be considered presumptively applicable. *E. I. duPont de Nemours & Co. v. Train,* 541 F2d 1018, 1028 (4th Cir. 1976), aff'd on this point 430 U.S. 112 (1977). Through the regulations applicable unless rebutted, EPA hopes to achieve national uniformity as the goal of no discharge of pollutants is sought. Id at 1028.

Appalachian Power involved a review of many of EPA's regulations promulgated to aid in the application and enforcement of the Act. Only our holding dealing with BPT variance regulations is pertinent to our decision here. Among other provisions under attack in *Appalachian Power* was EPA's variance clause providing that a variance from the 1977 standards set out in the regulations would be granted when "the factors relating to equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from those factors considered in establishing the guidelines."[5] Costs were excluded from consideration by EPA's interpretation of its own regulation. We struck down the clause because EPA's refusal to consider costs resulted in too restrictive a view of the minimum content of the variance. Under the 1983 standards set out in the Act, for example, costs were to be a relevant factor. Following our decision in *duPont,* we reasoned that the Act contemplated progressively more stringent standards as the country moved closer to the goal of elimination of pollutant discharge. Therefore, the 1977 standards were not intended to be any less flexible than the 1983 standards. As a result, we remanded the regulation to EPA for the agency to come forward with a meaningful variance clause taking into consideration at least the statutory factors set out in §§ 301(c), 33 USC § 1311(c); 304(b)(1)(B), 33 USC § 1314(b)(1)(B); and 306(b)(1)(B), 33 USC § 1316 (b)(1)(B).[6] *Appalachian Power* at 1359–60.

After the Supreme Court's decision in *E. I. duPont de Nemours & Co. v. Train,* 430 U.S. 112 (1977), we modified our decision in *Appalachian Power* to exclude the requirement of a variance for new sources, but declined to modify the opinion further.[7] In March 1978, EPA proposed its amendment to the BPT variance provision. 43 FR 8812–13 (1978). After a comment period, this rule was made final on September 22, 1978. EPA amended 40 CFR 423.12(a), 423.22(a), 423.32(a) and 423.42 by adding the following paragraph:

> In accordance with the decision in *Appalachian Power,* 545 F2d 1351, 1358–60 (4th Cir. 1976), EPA's legal interpretation appearing at 30 FR 30073 (1974) shall not apply to this paragraph. The phrase "other such factors" appearing above may include significant cost differentials and the factors listed in section 301(c) of the Act.

43 FR 43025 (Sept. 22, 1978) corrected at 43 FR 44848 (Sept. 29, 1978).

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[1] 33 USC § 1251 et seq.

[2] Specifically amended were 40 CFR 423.12(a), 423.22(a), 423.32(a) and 423.42.

[3] § 301(b)(1)(A), 33 USC § 1311(b)(1)(A).

[4] § 301(b)(2)(A), 33 USC § 1311(b)(2)(A).

[5] §423.12(a) interpreted at 39 FR 28926–27 (Aug. 2, 1974), 30073 (Aug. 13, 1974).

[6] § 301(c), 33 USC § 1311(c), provides: The Administrator may modify the requirements of subsection (b)(2)(A) of this section with respect to any point source for which a permit application is filed after July 1, 1977, upon a showing by the owner or operator of such point source satisfactory to the Administrator that such modified requirements (1) will represent the maximum use of technology within the economic capability of the owner or operator; and (2) will result in reasonable further progress toward the elimination of the discharge of pollutants.

§ 304(b)(1)(B), 33 USC § 1314(b)(1)(B), provides that such regulation shall: [S]pecify factors to be taken into account in determining the control measures and practices to be applicable to point sources (other than publicly owned treatment works) within such categories or classes. Factors relating to the assessment of best practicable control technology currently available to comply with subsection (b)(1) of section 1311 of this title shall include consideration of the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, and shall also take into account the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, non-water quality environmental impact (including energy requirements), and such other factors as the Administrator deems appropriate;

§ 306(b)(1)(B), 33 USC § 1316(b)(1)(B), provides: As soon as practicable, but in no case more than one year, after a category of sources is included in a list under subparagraph (A) of this paragraph, the Administrator shall propose and publish regulations establishing Federal standards of performance for new sources within such category. The Administrator shall afford interested persons an opportunity for written comment on such proposed regulations. After considering such comments, he shall promulgate, within one hundred and twenty days after publication of such proposed regulations, such standards with such adjustments as he deems appropriate. The Administrator shall, from time to time, as technology and alternatives change, revise such standards following the procedure required by this subsection for promulgation of such standards. Standards of performance, or revisions thereof, shall become effective upon promulgation. In establishing or revising Federal standards of performance for new sources under this section, the Administrator shall take into consideration the cost of achieving such effluent reduction, and any non-water quality environmental impact and energy requirements.

[7] No. 74–2096, Order of September 26, 1977.

In October 1978, EPA published a notice rescinding its no-cost interpretation of 1974. 43 FR 50042. In October 1978, the utilities filed this action.[8]

The utilities challenge the EPA amendment to the BPT variance provisions, contending that the mandate of *Appalachian Power* has not been met by the addition of "significant cost differentials and the factors listed in section 301(c) of the Act." Specifically, the utilities argue that *Appalachian Power* requires EPA to consider 304(b)(1)(B) factors including "total cost . . . in relation to effluent reduction benefit."

The utilities concede that the addition of "significant cost differentials and the factors listed in section 301(c) of the Act" to the existing variance provisions on its face could fulfill the *Appalachian* mandate. They argue, however, that EPA has made it clear that effluent reduction benefits are not a relevant factor under the regulation. The utilities urge that EPA's interpretation of effluent reduction benefit is much too narrow in that it considers only costs in relation to the degree of effluent reduction with no consideration of receiving water quality. Such an interpretation, they urge, is impermissible in light of *Appalachian.*

No variance has been applied for here. Therefore, the utilities' only authority offered to show EPA's application of its newly amended regulations is the February 6, 1979 recommendation of the Assistant Administrator for Water Enforcement of the EPA tentatively turning down Cincinnati Gas and Electric Company's application for a variance for its W. C. Beckjord Station, as well as the case of *In re Louisiana-Pacific Corp.,* 10 ERC 1841 (1977). That document, the utilities contend, shows EPA's rejection of water quality as a factor in considering effluent reduction benefits pursuant to *Appalachian.* There, Cincinnati Gas' application for a variance from ph limitations was turned down because no fundamental difference was found to justify a less stringent standard. In commenting on receiving water quality, the Office of Enforcement of the EPA included in its recommendation to the Administrator the following:

> The Administrator has determined *In the matters of Louisiana Pacific Corporation* NPDES No. CA0005894 *and Crown Simpson Pulp Company* NPDES No. CA0005882 10 ERC 1841 (September 16, 1977) ("Louisiana Pacific") that EPA is not authorized to grant a FDF variance providing relief from technology-based limitations guidelines due to the characteristics of the receiving water. The type of receiving water or the fact that the receiving water quality will not be harmed by the discharge or measurably improved by installing control equipment are not legally fundamental differences.

Recommendation on Variance Ruling FDF 78–01 at pp. 7–8.

We think the utilities' reliance on the recommendation in the Cincinnati Gas and Electric variance recommendation is misplaced. First and principally, the Administrator has not yet taken any action with respect to the variance. That being so, we do not believe that, even assuming the utilities' construction of the recommendation to be correct, the recommendation of the Office of Enforcement to the Administrator is legally binding on the Agency. While it may have considerable significance, legal as well as practical, to the parties involved, it is little if anything more than an in-house memorandum from a subordinate in the Agency recommending to the Administrator the action he should take in passing on the requested variance. Second, the language we have above quoted, which is that upon which the utilities rely, we do not believe, read in context, can be taken to say that the Administrator in no instance will consider the quality of the receiving water as a part of the evidence in a case requesting a variance. Read literally, the language simply means that the quality of receiving water of itself is not a fundamental difference upon which a variance can be granted. This is entirely consistent with that part of our ruling in *Appalachian Power* in which we denied the claim of Consolidated Edison that it ought to be allowed to discharge into New York harbor not subject to effluent limitations because the harbor was already so dirty the addition of its effluent would make no difference. From an examination of the papers on hand in the Cincinnati Gas and Electric Company variance No. FDF 78–01, we believe, however, that the variance was not sought solely or even principally because of the water quality of the Ohio River into which the effluent flowed. Rather, it was based principally upon cost differentials and a claim that the addition of sulphuric acid to its settling ponds to reduce their alkalinity would do more harm to the receiving water than the effluent in question in that case.

Much the same remarks apply to EPA's decision in *In re Louisiana-Pacific Corp.,* 10 ERC 1841 (1977). In that case the claim of the industry was that a discharge of its effluent into the ocean would do no harm apparently because the ocean waters were so vast. The Administrator denied that variance, again entirely consistent with our opinion in *Appalachian Power,* concluding that he could provide no ". . . relief from technology-based effluent limitations guidelines due solely to the characteristics of particular receiving waters. . . ." He stated that he could not permit exemption where the type of receiving water is the fundamental difference between the seekers of the variance and other pulp and paper mills. In his opinion, the Administrator time and again made it plain that the only thing he acted upon was a request for a variance based solely on water quality. At no place in that decision did the Administrator indicate that he did or would hold that the quality of the receiving waters was irrelevant in all instances in variance proceedings. It is true EPA does take that position in its brief in this court: "Receiving water quality simply cannot legally be considered a relevant factor in evaluating a variance request." Brief at p. 13. But as the mere recommendation of a subordinate does not bind the Agency,[9] neither does the mere assertion of an attorney in a brief except for the purposes of that case. Much as we disagree with the statement, there has been no application of it in the case before us, and no binding statement has been made to that effect by the Administrator. We will have to await a proper case to see if the Administrator in actual practice, or in the administration of the statute, takes the same extreme position his attorneys do in the brief in this case. No such extreme position can be read into the *Louisiana-*

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[8] NRDC had filed its original petition on September 28, 1978, in the D.C. Circuit. The utilities and NRDC then filed petitions for review in this court. Upon motion, the D.C. Circuit transferred NRDC's first petition to this court. *NRDC* v. *EPA,* No. 78–1929 (D.C. Cir. Dec. 21, 1978).

[9] The Deputy Assistant Administrator for Water Enforcement, who made the recommendation in *Cincinnati Gas and Electric Co.,* acts only as the principal adviser to the Administrator of EPA on matters of enforcement. 40 CFR § 1.31. Thus, his decision is not binding on the Administrator. In like vein, we held that a decision of the Provider Reimbursement Review Board, and in-house board, does not bind the Secretary of HEW, who can modify or reverse that decision on his own motion. *Fairfax Hospital Ass'n, Inc.* v. *Califano,* 585 F2d 602 (4th Cir. 1978). See also, e.g., *Universal Camera Corp.* v. *NLRB,* 340 U.S. 474 (1951) (NLRB rejected examiner's findings); *Environmental Defense Fund, Inc.* v. *EPA,* 489 F2d 1247 (D.C. Cir. 1973) (Administrator decided contrary to the conclusion of the Hearing Examiner regarding the banning of DDT); *Adolph Coors Co.* v. *FTC,* 497 F2d 1178 (10th Cir. 1974) (FTC overruled Administrative Law Judge's finding that Coors had not violated § 5 of the Federal Trade Commission Act); *Peterson* v. *Gardner,* 391 F2d 208 (2d Cir. 1968), (Appeals Council can rule contra to decision of the Hearing Examiner); *Alcoa Steamship Co.* v. *Federal Maritime Commission,* 321 F2d 756 (D.C. Cir. 1963) (Maritime Commission rejected recommendation of examiner and approved pooling agreement); *Braswell Motor Freight Lines* v. *USA,* 275 F.Supp. 98 (W.D. Texas 1967), aff'd 389 U.S. 569 (1968) (ICC rejected recommendation of its examiner).

Pacific or *Cincinnati Gas* variance cases.

Because we believe the amendment of the variance provision will admit consideration of all of the factors required in our opinion, and there has been no concrete application denying a variance request which is under review, we decline to set aside EPA's amended regulations as a non-compliance with our mandate.[10]

EPA and NRDC also ask us to reconsider our holding in *Appalachian Power* to the effect that § 301(c) factors are applicable in consideration of variances from BPT limitations. Id at 1359-60. This issue was dealt with again by this court in *National Crushed Stone Assoc. Inc.* v. *EPA*, 601 F2d 111 (4th Cir. 1979), and in *Consolidation Coal Co.* v. *Costle*, 604 F2d 239 (4th Cir. 1979), cert. granted 48 L.W. 3513 (1980). In those cases the industries successfully sought application of *Appalachian Power's* BPT variance holding outside the steam electric industry to which EPA has limited our holding in *Appalachian*. We declined to change our *Appalachian Power* variance holding in those cases, and we decline to do so here.

We should note at this point that EPA continues to argue from extreme positions which we do not believe are justified by the statute, and even are not justified by the actions of the Administrator as distinguished from the language in his brief. EPA's principal argument in this case is shown by an example it gives that a discharger of a copper compound might be granted a variance if it were on a clean river but not if it were on a dirty river. The example misses the point. If the discharger were economically unable to correct its condition of violation *and* if its efforts resulted in reasonable further progress toward meeting the standard, then there is no reason to necessarily exclude the issuance of a variance. But if the continued discharge, during the time it took the industry to comply, might kill all aquatic life in the river, it might easily be said that the progress was not reasonable, while, if the discharge did little or no actual harm during this period, it might just as easily be said that reasonable progress was being made. To determine whether or not progress is reasonable, we repeat, it may be appropriate to consider water quality as *a factor*, that is to say as an item of evidence. Its sought-for arbitrary exclusion by EPA is simply too rigid a construction of the statute, and we do not believe it is justified. To hold otherwise ultimately can only result in regulation for regulation's sake, at which point, of course, a serious question of constitutional limitations would arise. We believe this useful statute deserves better treatment.

NRDC's petitions request us to hold that variances from BPT limitations cannot be granted to a discharger of toxic pollutants because of a 1977 amendment to the Act, which states:

> The Administrator may not modify any requirement of this section as it applies to any specific pollutant which is on the toxic pollutant list under section 307(a)(1) [33 U.S.C. § 1317(a)(1)]

§ 301(1) of the Act, 33 U.S.C. 1311(1).

It is the contention of NRDC that the amendments to the various regulations should have as required content a prohibition against issuing a variance from BPT limitations on account of toxic pollutants.

33 U.S.C. § 1317(a)(1) (§ 307(a)(1) of the Act) requires the Administrator to publish a list of toxic pollutants. Upon designation of a pollutant as toxic, § 307(a)(2) [33 U.S.C. § 1317(a)(2)] goes into effect, requiring the EPA to set BAT standards for those pollutants.

As now interpreted by EPA, the variance clause applies to all pollutants for which BPT limitations are set by regulations. The BPT limitations for the steam electric industry include pollutants which are on the toxic pollutant list in 40 CFR Part 129. As noted, because of § 301(1), NRDC contends that EPA in a repromulgation of its variance regulations must in terms exclude toxics from their coverage. EPA and the utilities contend that § 301(1) was not intended to apply to BPT, but only to the specific sections of § 301 which allow an operator to be relieved of an effluent limitation. They also argue that a BPT variance is not a true variance so as to bring § 301(1) into effect. BPT variances, the argument goes, do not excuse anyone from meeting BPT limitation standards. Instead, they enable EPA to determine an individual BPT limitation for an industry procuring a variance. As a result, an operator granted a variance is still in compliance with its BPT limitation standard. Its standard is just different from others.

It is apparent that if either argument just above stated is correct that EPA is not required to exclude toxic pollutants from BPT variances. We think that § 301(1) does not apply to BPT variances.

Toxic pollutants prior to the 1977 amendments were not treated differently from other pollutants in that BAT technology was not necessarily applied, and dischargers discharging toxic pollutants were nevertheless included in those required to comply with BPT effluent limitations. While the 1977 amendments have required BAT limitations for discharges of toxic substances, they do not indicate that they are to operate retroactively so as to possibly retract any variance previously issued to an industry which just happened to be discharging toxic substances, or to obliterate the known practice of EPA in not excluding toxic substances from those pollutants for which a variance might be granted under BPT effluent limitations. Neither does the legislative history justify such a construction. See 3 U.S. Code Congressional and Administrative News, 1977, p. 4326 et seq. The interpretation of the statute by EPA is entitled in some deference. *E. I. duPont de Nemours v. Train*, 430 U.S. 112, 135 n. 25 (1977). It is also true that retroactive application of a statute is not favored. *Union Pacific RR Co. v. Laramie Stockyards Co.*, 231 U.S. 190, 199 (1913). In our case, § 301(1) speaks to preventing the *modification* of any requirement of § 301 as it applies to any specific pollutant on the toxic pollutant list. On its face, it might thus be said to apply to such parts of the statute as § 301(c) which speaks of *modifying* requirements for BAT limitations. Indeed, in § 301(g), 33 U.S.C. § 1311(g), also a part of the 1977 amendments, it is provided that the Administrator, with the concurrence of the State, shall *modify* BAT requirements with exceptions including toxic pollutants. While this may well be an indication of Congressional intent that the statute should be read as EPA reads it, that § 301(1) applies only to those sections of § 301 which in terms permit *modification*, in all events the best that can be said for § 301(1) is that it is not clear. That being true, we give weight to the construction the administering agency has placed upon the statute, and, when we consider that retroactivity is not favored, we are of opinion that § 301(1) does not apply so as to require the exclusion of toxic substances from BPT variance provisions.

Our ruling today is limited to the holding that BPT variance regulations need not exempt toxic pollutants. We do not consider whether or not, or how, EPA will construe § 301(c) with relation to § 301(1). That question is not before us and its consideration would be premature.

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[10] The utilities also rely upon EPA's comments published with its amendment of the variance provisions in 40 CFR Part 423. 43 FR 40324 (Sept. 22, 1978), typographically corrected at 43 FR 44847 (Sept. 29, 1978). The comments no more than reflect the ruling in *Louisiana-Pacific*, supra, and are not contrary to our mandate in *Appalachian Power*.

Accordingly, being of opinion that EPA's amendments to 40 CFR 423.12(a), 423.22(a), 423.32(a), and 423.42 are sufficient to permit a compliance by the agency with our opinion and mandate, the petition of the industry to require further consideration of this matter by EPA is denied. (This petition was filed in case No. 74–2096.) The petition of the industry dealing with the same subject in case No. 78–1701 is likewise denied for the same reasons.

The petitions of NRDC are also denied for the reasons stated in this opinion. (These petitions were filed in cases Nos. 78–1878 and 78–1902.)

Exhibit B—U.S. Court of Appeals for the Fourth Circuit

[No. 74–2096 et al.]

Appalachian Power Co., et al., Petitioners, V. Russell E. Train, as Administrator Environmental Protection Agency, Respondent

Petition for Rehearing

Pursuant to Rule 40, FRAP, respondent hereby petitions the Court for a rehearing, and suggests that rehearing en banc would be appropriate to resolve the conflicts outlined below.

Introductory Statement

On April 28, 1980, a panel of this Court issued judgment and opinion in the above-captioned case which declined to invalidate the repromulgated Environmental Protection Agency regulations establishing a variance clause for the steam-electric industry. This Court deferred consideration of certain of petitioners' claims on grounds of prematurity. In our judgment, however, the opinion expresses conclusions that are in square conflict with another decision of this Court which is not addressed in the opinion. Moreover, the opinion conflicts with a decision from another circuit and ignores a statement of the Administrator set forth in EPA's recent NPDES regulations.

Specifically, it is counsel's judgment that:

(1) To the extent the court's decision is based upon its assumption that the Administrator of EPA has not adopted the position, urged by EPA in its brief, that water quality could not be considered as a factor in a BPT variance request, the assumption was rendered erroneous by the promulgation, after argument, and before decision of EPA's revised NPDES permit regulations, at 44 FR 32893 (June 7, 1979);

(2) This Court's conclusion (expressed on pages 17 and 18 of the slip opinion) that water quality is a factor to be considered in determining whether or not a variance may be granted from the requirements of best practicable control technology (BPT) is in direct conflict with this circuit's holding in *Consolidation Coal Co.* v. *Costle,* 604 F.2d 239 at 244–245 (1979); and

(3) The above mentioned conclusion conflicts with the holding of *Weyerhaeuser Co., et al.* v. *Costle,* 590 F.2d 1011, at 1041–1044 (D.C. Cir. 1978).

Discussion

In dismissing the petition filed by the utility petitioners, the Court's decision was premised upon the following assumption: the Administrator of EPA has not clearly adopted the position that water quality could not be considered as a factor when considering "fundamentally different factors" variances. That assumption was in any event nullified prior to the Court's decision by a specific statement of the Administrator. Moreover, while the Court dismissed the industry's petition, it articulated the law in a way that contradicts the earlier opinion of another panel of this circuit in *Consolidation Coal Co.* v. *Costle,* 604 F.2d 239 (4th Cir. 1979), and which is also in conflict with *Weyerhaeuser Co.* v. *Costle,* 590 F.2d 1011 (D.C. Cir. 1978). Neither of these other cases is discussed in the opinion in relation to the water quality issue.

The Court declined to vacate EPA's variance clause because the panel assumed that the Administrator had not expressed agreement with the position taken in EPA's Brief. (Slip op. at 14–15.) However, on June 7, 1979, the Administrator stated at 44 FR 32893, (emphasis added):

> EPA has been prompted by other comments to add a new provision . . . which makes clear that *specific receiving water quality is not a relevant factor in the fundamentally different factors variance context.* To allow relaxation from technology-based limits because of case-by-case variations in receiving water quality would be grossly violative of the Act and contrary to its fundamental principles.

Although the Administrator made these remarks in promulgating a variance clause for industries other than the steam electric industry, the legal and policy reasons for this determination are identical to those relating to the steam electric industry, as set forth by EPA in papers filed with the Court in this case.[1]

Since, at least as of June 7, 1979, the Administrator's position has been precisely what the Court had assumed that it was not, the Court's refusal to rule on the merits was grounded on an erroneous premise.

While declining to rule on the merits of the water quality issue, the Court did express its view of the law. The Court quoted and expressed strong disagreement with the following statement in EPA's Brief: "Receiving water quality simply cannot legally be considered a relevant factor in evaluating a variance request." Slip. op. at 14. The Court concluded (Slip op. at 18, Court's emphasis):

> [I]t may be appropriate to consider water quality as *a factor,* that is to say as an item of evidence. Its sought-for arbitrary exclusion by EPA is simply too rigid a construction of the statute, and we do not believe it is justified.

This conclusion is contrary to the decision of another panel of this circuit in *Consolidation Coal Co.* v. *Costle,* 604 F.2d 239 (1979). There, this Court expressed strong agreement with precisely the same EPA position. The Court framed the issue as follows (604 F.2d at 244, emphasis added):

> The precise issue, therefore, is whether the factors peculiar to a source of pollution *must include* comparison of the expected improvements in the receiving water with the cost of achieving them.

The Court in *Consolidation Coal* cited with approval another decision [2] because it had "affirmed the Administrator's refusal *to consider* receiving water quality in setting limitations." Id., emphasis added. The Court stated (604 F.2d at 245, emphasis added:

> Any possible doubt about congressional intent *to preclude consideration* of receiving water quality in industrial variance rulings was put to rest in 1977 [in the 1977 Clean Water Act Amendments].
>
> * * * * *
>
> We therefore conclude that the variance regulations as interpreted by the Administrator *properly exclude consideration* of the quality of the receiving water.

There is no way to reconcile the *Consolidation Coal* decision with that in the instant case. In the one case the Court has stated that receiving water quality may not be considered in assessing variance requests, and in the other it has said that the agency must consider it.[3] As a result, any action by the agency in this regard will be vulnerable to charges that it violates one or the other of the circuit's opinions.

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[1] This statement on the newly-promulgated regulations was made after argument and before the Court's decision. EPA did not file a supplemental memorandum bringing it to the Court's attention at the time it was issued simply because the government had no idea that the Court would conclude that the agency's representations made to the Court would be considered not to constitute agency policy. At the very least, the June 7, 1979, Federal Register statement is a "change in the law which occurred after the case was submitted . . ."

[2] *Weyerhaeuser Co.* v. *Costle,* 590 F.2d 1011 (D.C. Cir. 1978).

The Court's opinion also conflicts with, and clearly overlooks, *Weyerhaeuser Co.* v. *Costle*, 590 F.2d 1011 at 1036 (D.C. Cir. 1978). The *Weyerhaeuser* court rejected complaints about EPA's "refusal to consider receiving water quality" in the BPT variance clause for the pulp and paper industry, 590 F.2d at 1036, 1041–1044. The D.C. Circuit's decision, to the same effect as *Consolidation Coal*, concluded that water quality is not relevant to BPT. The Court stated in pertinent part (590 F.2d at 1042–44, emphasis added):

> Congress made the deliberate decision to rule out arguments based on receiving water capacity.
>
> * * * * *
>
> Moreover, *by eliminating the issue of the capacity of particular bodies of receiving water*, Congress made nationwide uniformity in effluent regulation possible.
>
> * * * * *
>
> In only one limited instance, thermal pollution,[4] *is receiving water to be considered* in relaxing standards. * * * Otherwise, receiving water quality was to be *considered* only in setting "more stringent" standards than effluent limitations otherwise would prescribe.
>
> * * * * *
>
> *[W]e affirm the Agency's refusal to consider water quality in setting its limitations.*

Both of these cases are relevant to the issue before the Court in *Appalachian Power*, and this Court's failure to discuss them clearly constitutes "a material * * * law overlooked in the decision." The *Consolidation Coal* holding is clearly in conflict with this case, and hence raises "an apparent conflict of another decision of the Court which is not addressed in the opinion."

Since EPA's regulatory policy plainly disregards water quality as a factor in variance decisions, the Court should have adjudicated the issue on its merits, and thus rehearing is required. Moreover, since there is a direct conflict between the law as expressed by this panel on the merits, and the Court's holding in *Consolidation Coal*, rehearing en banc appears to be appropriate.

Respectfully submitted,

Sanford Sagalkin,
Acting Assistant Attorney General.
Barry J. Trilling,
Attorney, Department of Justice.

Dated: May 12, 1980.

By:

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Exhibit C—U.S. Court of Appeals for the Fourth Circuit

[Nos. 74–2096, et al]

Appalachian Power Co., et al, Petitioners v. Russell E. Train, as Administrator, Environmental Protection Agency, Respondent Alabama Power Company, et al, Intervenors

No judge entitled so to do has requested a poll of the court on the petition for rehearing en banc.

It is accordingly adjudged and ordered that rehearing en banc shall be, and the same hereby is, denied.

The panel has considered the petition for rehearing and is of opinion it is without merit.

It is accordingly adjudged and ordered that the petition for rehearing shall be, and the same hereby is, denied.

With the concurrences of Judge Breitenstein and Judge Phillips.

Exhibit D—Environmental Protection Agency

In the Matters of Louisiana-Pacific Corp., NPDES No. CA0005894 and Crown Simpson Pulp Co., NPDES No. CA0005882.

Decision of the Administrator

I have been asked to consider the granting of variances from effluent limitations guidelines for two pulp, paper, and paperboard mills located on the Pacific Coast of California. The requests for variances are denied.

I. Procedural Background

On March 29, 1977, Mr. Bill B. Dendy, Executive Officer of the State Water Resources Control Board for the State of California, submitted extensive materials concerning the actions taken before the California Regional Water Quality Control Board, North Coast Region, and before the State Board itself, with respect to these two mills. A list of the enclosures to that March 29 letter appears in the margin.[1] Mr. Dendy noted in his March 29 letter that the "state board finds that a variance is warranted for the two dischargers . . . on the grounds that the environmental benefits (if any) to be derived from the application of the treatment required to meet the guideline limitations for BOD and pH would be far outweighed by the nonwater quality environmental costs including use of energy." Mr. Dendy went on to say that he believes "that variance based on these grounds is in accordance with the precedents established in the decisions of several U.S. Court of Appeals, particularly the Fourth Circuit's decision of the case of *Appalachian Power* v. *Train* [545 F. 2d 1351 (1976)]."

On May 26, 1977, Mr. G. William Frick, EPA General Counsel, issued a Recommended Decision of the Administrator which recommended denial the variance requests of the two companies. 42 FR 28167–72 (June 2, 1977). The preamble to the recommended decision advised that written comments on the decision could be submitted and that all such comments received by July 5, 1977, would be considered prior to issuance of a final decision of the Administrator. Comments were timely filed by Crown Simpson Pulp Company and Louisiana-Pacific Corporation (joint submission), the law firm of Hunton & Williams (on behalf of the Utilities Water Act Group and other petitioners in *Appalachian Power Co.* v. *Train*), Southern California Edison Company, East Bay Municipal Utility District and the National Wildlife Federation.

In reviewing the submissions by the State of California and the extensive materials, including legal briefs, submitted by the Louisiana-Pacific Corporation and the Crown Simpson Pulp Company to the State as well as the comments on the recommended decision, I have assumed for the purpose of the opinion as factually accurate the statements by the State and the industry as to the essential nature of operations at these facilities, the water quality effects of the discharges, the energy impacts, the cost of application of the technology which would be required to meet EPA's national limitations, and other major relevant facts. The Environmental Protection Agency has conducted no independent review of the facts following the submission of the requests for variances. In other words, the record of the State Board hearing as submitted by Mr. Dendy with the addition of the Development Document for the effluent limitations guidelines applicable to these mills, constitutes the record which I have reviewed. While the Development Document was not formally forwarded to me as part of the record, I note that it is referred to repeatedly in the various materials which are part of the record, including the opinion and order of the State Board, and it is therefore properly before me.

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[3] The panel in the instant case failed to note the existence of contrary opinion in *Consolidation Coal*. The Court's sole reference to that case (Slip Opinion at 17) is in the context of a different issue that is now before the Supreme Court.

[4] The Court's reference to thermal pollution relates to Section 316 of the Act, 33 U.S.C. 1326.

[1] A. State Board Order No. WQ 77–6 (with exhibits thereto); B. Transcript of hearing before the State Board December 22, 1976; C. Transcript of hearing before the Regional Board, July 29, 1976; D. Transcript of hearing before the Regional Board, August 26, 1976; E. "Written Comments on Tentative Orders" presented to the Regional Board July 21, 1976; F. "Request for Variance in EPA Limitations on the Basis of Fundamentally Different Factors" dated June 21, 1976; G. Written Statement of Dr. Herman R. Amberg before the California Regional Water Quality Control Board, North Coast Region, July 19, 1976; H. "Written Comments on Tentative Wastes Discharge Orders" dated December 1976; I. Interoffice Memorandum from John R. Hannum to D.C. Joseph and Gary Grimm dated December 13, 1976; J. "Non-water Quality Environmental Impacts" calculation by Dr. Amberg; presented at State Board Hearing December 22, 1976; K. Letter from Dr. C. Edward Taylor to Mr. W. Don Maughan dated January 13, 1977. The two companies have commented that this list does not include certain documents which were before the State during its proceedings. However, they do not argue that the documents are vital to this decision nor have they taken the opportunity afforded by the notice and comment procedure to make any such materials available to me. Under the circumstances, and given the purely legal nature of my decision, I see no need to amplify the record.

As I discuss in more detail below, the issues which are to be resolved in these variance requests are solely legal, and do not require an independent analysis or weighing of facts. This is not to say, however, that in other variance requests it would not be appropriate to conduct factual reviews.[2]

The Crown Simpson Pulp Company and the Louisiana-Pacific Corporation each operate bleached kraft pulp mills on the Samoa Penninsula, on the west side of Humboldt Bay, near Eureka, California. Louisiana-Pacific also operates a plywood mill at this location. Each mill produces about 600 air dry tons per day of bleached kraft pulp; the Louisiana-Pacific saw mill also produces about 500,000 board feet per day of lumber. Each mill principally discharges through separate ocean outfalls about 2500 feet from shore and at a depth of approximately 30 to 40 feet. The outfalls are about one mile apart, and each has a diffuser at the end.

On December 4, 1974, the Regional Board of the California Water Resources Control Board adopted waste discharge requirements for these dischargers; at that time national effluent limitations guidelines for these sources were not available. EPA Region IX objected to the Regional Board orders on the grounds that the Regional Board failed to implement the provisions of Sections 301 and 304 of the Federal Water Pollution Control Act by not imposing effluent limitations in those orders which would require achievement of best practicable control technology currently available by July 1, 1977. The State Board reviewed the regional orders, and, after a hearing on March 7, 1975, remanded the orders to the Regional Board with directions that effluent limitations based on best practicable control technology, or "BPT", be included. These BPT limitations were to be based on promulgated national regulations if available, otherwise the Regional Board was directed to establish the numbers based on its best judgment as to what constituted BPT.

On February 19, 1976, EPA promulgated interim final effluent limitations guidelines for the bleached kraft sector of the pulp, paper and paperboard point source category. 40 CFR Part 430 Subparts F–I. EPA issued final amendments to these regulations on January 6, 1977. The validity of the national regulations is not at issue in this variance proceeding.[3] Each national limitation contains a variance clause[4] which in essence provides that a discharger may submit evidence that factors such as the age or size of plants, raw materials, manufacturing processes, treatment technology available, energy requirements or other such factors, are fundamentally different from the factors considered during the establishment of the national effluent limitations guidelines.[5]

In accordance with the instructions from the State Board, the Regional Board conducted hearings with respect to these two mills, on June 24, July 29, and August 26, 1976. The discharge restrictions for Crown Simpson and Louisiana-Pacific established by the Regional Board did not follow the EPA national effluent limitations guidelines. On September 3, 1976, EPA Region IX issued a letter of objection to the Regional Board orders, noting that the Regional Board had in effect granted variances from the national limitations without submitting the matter to the Administrator of EPA for approval. This action by EPA prompted the two mills to seek review in the United States Court of Appeals for the Ninth Circuit (Nos. 76–3161 and 76–3287). Those actions have been stayed pending decision on this matter.

On October 21, 1976, the State Water Resources Control Board adopted resolution 76–108 to review the action of the Regional Board with respect to these two mills. On December 22, 1976, the State Board held a hearing, and on March 17, 1977, the Board issued its opinion.

The Board ordered that the Regional Board Orders No. 76–133 and 76–134 be set aside and replaced by the permits established by the State Board. It granted the requested variances from the effluent limitations guidelines for BOD and pH, subject to approval by the EPA Administrator, and ordered the Executive Officer of the State Board to forward to EPA all necessary information, data and documents for a prompt decision on this matter.

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[2] Crown Simpson and Louisiana-Pacific complain of the lack of an opportunity for a hearing before me, arguing that such a hearing is required by law. But the companies were given extensive opportunity for hearings by the State and an opportunity to comment upon the General Counsel's recommended decision. I have not augmented the record compiled by the State nor have I independently evaluated the factual conclusions reached below. A hearing, particularly of the nature apparently envisioned by the two companies in which they would "respond to [my] questions concerning the voluminous record in the . . . proceedings before the State . . ." would be a useless exercise. I have carefully considered the arguments made by the companies concerning the legal issues involved in this proceeding. I am convinced that the procedures I have used have been fair and entirely adequate and that all process "due" has been provided.

[3] The regulations are being challenged in *Wyerhaeuser Company, et al.* v. *Train*, No. 76–1674, *et al.* before the United States Court of Appeals for the District of Columbia Circuit. See footnote 5, *infra*.

[4] For example, § 430.72 reads in part as follows: In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations or initiate proceedings to revise these regulations.

[5] Crown Simpson and Louisiana-Pacific note in their comments that should I deny their variance requests they may seek judicial review of my decision and raise the question of whether the variance provision is valid.

Alternative effluent limitations for BOD and pH, to apply in the event the variances were approved or denied by the Administrator, were established in the permits. The dischargers also were granted an extension of time until July 1, 1983, to meet the effluent quality requirements for chromium contained in the California Ocean Plan.[6]

The differences between the permit conditions based on the national effluent limitations guidelines, on the one hand, and those which will result from the granting of the variances from those guidelines, on the other hand, are substantial. In NPDES Permit No. CA0005882 the limitation on BOD5 (daily maximum) is 18,450 pounds, and the limit on total solids is 36,480 pounds. The pH must be maintained within the range of 5.0 – 9.0. According to the terms of the permit, "Upon approval by the Administrator of EPA of the finding of 'fundamental difference' . . . the following limitations shall apply in lieu of the limitations [set forth above]". These are 96,000 pounds per day of BOD5 (daily maximum) and pH within the range of 3.0 to 10.0.

For the Louisiana-Pacific Mill (NPDES permit No. CA0005894) the differences are similar. In all cases the BOD figures cited pertain to the pulp operations, which are by far the major sources of BOD at these facilities.

II. The Legal Issue

The California State Water Resources Control Board found that because there would be "no expected or predictable water quality improvement as the result of imposition of the EPA guidelines [and i]n light of . . . the magnitude of the chemical and energy requirements, and the potential air and land management problems associated with sludge disposal . . . the evidence justifies the variance requested." (Board Opinion p. 17). It is clear that the Board did not find a "fundamental difference" in terms of non-water quality impact itself but instead found non-water quality impact to be a significant *because of lack of improvement of local receiving water quality.* In effect, the State granted an exemption from minimum national technology-based standards because of local water quality considerations. This was contrary to the letter and intent of the FWPCA and I have no choice but to disapprove the state action.

The heart of the Louisiana-Pacific and Crown Simpson presentations to the State Boards was the absence of a need to control BOD and pH. In essence, what the companies argue is that because they are located on the Pacific Ocean, with its vast dilution and regenerative powers, one need not be concerned with pollution requirements which assertedly are designed solely to protect the oxygen levels or pH of receiving streams. They argue that the oxygen level even in the immediate area of their discharge pipes is not a matter of concern.

BOD is not a metal or a chemical compound or a specific substance that pollutes the environment. It is a measure of the quantity of oxygen required for the biological and chemical oxidation of water-borne substances under ambient or test conditions. The BOD5 test is a procedure which provides an estimate of the oxygen consumed by micro-organisms utilizing the degradable matter present in a waste under conditions that are representative of those that are likely to occur in nature. Standard conditions of time (5 days), temperature, suggested microbial seed, and dilution water for the wastes have been defined and are incorporated in standard analytical procedures. As noted in the Development Document for the Effluent Limitation Guidelines (BPT) for the Bleached Kraft, Groundwood, Sulfite, Soda, Deink, and Non-integrated Paper Mills Segment of the Pulp, Paper, and Paperboard Point Source Category, at pages 267 and 268:

> The BOD of a waste exerts an adverse effect upon the dissolved oxygen resources of a body of water by reducing the oxygen available to fish, plant life, and other aquatic species. Conditions can be reached where all of the dissolved oxygen in the water is used resulting in anaerobic conditions and the production of undesirable gases such as hydrogen sulfide and methane. The reduction of dissolved oxygen can be detrimental to fish populations, fish growth rate, and organisms used as fish food. A total lack of oxygen due to the exertion of an excessive BOD can result in the death of all aerobic aquatic inhabitants in the affected area.
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> * * * * *
>
> The BOD5 test is also an indicator of the total organic load that is being discharged to a receiving stream. Compounds contributing to this total organic waste load found in pulp and paper mill wastes include terpenes, resin acids, fatty acids, phenols, formic acid, sacharinic acids and other small organic acids. These compounds also contribute to the toxicity of a pulp and paper mill waste.

There are substantial testimony and a number of documentary materials referred to in the record indicating that the waste materials discharged by Crown Simpson and Louisiana-Pacific through their ocean outfalls are not causing a significant environmental problem with respect to oxygen reduction or pH levels in the receiving waters. I do not believe that it is necessary to consider the extent of that problem or debate such issues as the limits of the mixing zone for the dischargers.[7] For the purposes of reviewing these applications for variances, I will assume that the arguments of Crown Simpson and Louisiana-Pacific are correct in that there is not a need, based purely on water quality considerations, to control the BOD emanating from these mills beyond those levels contained in the variance-based permits. While the facts and arguments are less clear with respect to the pH requirements contained in the national effluent limitations guidelines, I will also assume for the purposes of this proceeding that there is no water quality need to limit the pH discharge other than as contained in the California permits based on the variances.[8]

In its March 17, 1977, opinion the State Board noted that the dischargers had submitted evidence regarding the chemicals required should they be forced to treat their wastes to meet EPA national guidelines, the direct and indirect power requirements associated with such treatment and the potential biological sludge disposal problems which would result from the use of EPA recommended technology (Opinion pages 15–18). Again, for the purposes of this variance proceeding I consider as true the Board findings in these respects.[9]

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[6] The National Wildlife Federation filed comments which fully support my denial of the BPT variances but which urge that I also disapprove the extension of time given the two companies by the State for meeting chromium effluent quality requirements derived from the California Ocean Plan. This proceeding, however, is not a general review of the State-issued permits. It concerns only the appropriateness of granting variances from EPA effluent limitations guidelines, and my decision is limited to this question. I express no opinion whatever on any other aspect of the State proceedings.

[7] I note that the State Board observed that "some of the organic compounds which contribute to the BOD may cause problems in the receiving water. . . ." Opinion p. 7. Crown Simpson and Louisiana-Pacific argue in their comments that it is improper to state that there is any relationship between effluent toxicity and BOD and pH. The quotation, however, accurately reflects the finding of the State Board and I see nothing improper in its inclusion in this opinion.

[8] Crown Simpson and Louisana-Pacific criticize the recommended decision for being too equivocal on the question of the water quality impact of their discharges. However, as noted previously, no independent review of the evidence has been undertaken, and it would therefore not be appropriate for me to endorse or concur in any conclusions reached on this subject by the State. Instead, it is accurate to say only that for the limited purposes of deciding the legal issue presented in this proceeding I assume that limitations on BOD and pH more stringent than those imposed in the variance-based permits would not improve receiving water quality. I find the attack upon the propriety of this procedure curious, since assumption of the existence of facts for limited legal purposes is a judicial technique of long standing.

The issue to be resolved is straightforward: does the Federal Water Pollution Control Act, as amended ("FWPCA") allow EPA to vary technology-based water pollution regulations simply because the receiving water quality at particular sites will not be measurably improved by compliance with those regulations? Counsel for the companies stated the matter this way in a brief before the State Board:

> "[Crown Simpson] and [Louisiana-Pacific] are not asking this Board to countenance a wholesale return to an ineffectual water quality approach. Rather, they submit that they have affirmatively demonstrated that there is a *fundamental* difference between the marine environment into which they discharge and *all other* receiving waters. None of the dilatory or obscurantic tactics sometimes encountered under the old system are possible when the applicant bears the burden of proving its entitlement to a variance. And while most differences in receiving waters are ones of degree, which may be burdensome administratively to distinguish, the difference between the ocean and inland waters is categorical, so that the differentness of the ocean need only be decided once." (p. 24)

Counsel for Crown Simpson reiterated this point during the December hearing (Tr. 101):

> What the companies are saying is that essentially all of the requirements can be met with the exception, perhaps, of the chromium heavy metal requirement through the use of internal procedures. It can be met at a certain cost. To impose the BOD limitation is to impose on them an enormous additional cost with no environmental benefit.

When Congress enacted the Federal Water Pollution Control Act Amendments of 1972, it brought about a major change in the approach to water pollution control. Congress declared in unmistakable statutory language that certain key regulations were to be based on pollution control technology, not water quality. Localized improvement in water quality as the result of compliance with technology-based regulations was desired, but the existence of the nexus was not to be dispositive as to the application of those regulations. The Senate Committee on Public Works explained the reasons for the change in approach:

> The water quality standards program is limited in its success. After five years, many States do not have approved standards. Officials are still working to establish relationships between pollutants and water uses. Time schedules for abatement are slipping away because of failure to enforce, lack of effluent controls, and disputes over Federal-State standards.
>
> The Committee adopted this substantial change because of the great difficulty associated with establishing reliable and enforceable precise effluent limitations on the basis of given stream quality. Water quality standards, in addition to their deficiencies in relying on the assimilative capacity of receiving waters, often cannot be translated into effluent limitations—defendable in court tests, because of the imprecision of models for water quality and the effects of effluents in most waters.
>
> Under this Act the basis of pollution prevention and elimination will be the application of effluent limitations. Water quality will be a measure of program effectiveness and performance, not a means of elimination and enforcement.
>
> The Committee recommends the change to effluent limitations as the best available mechanism to control water pollution. With effluent limits, the Administrator can require the best control technology; he need not search for a precise link between pollution and water quality.[10]

S. Rept. No. 92–414, 92d Cong. 1st Sess. at 8 (1971), Committee Print, A Legislative History of the Water Pollution Control Act Amendments of 1972, 93d Cong. 1st Sess. (1973) (2 vols.) (hereafter cited as Leg. Hist.) at 1426.

Both the Act and its legislative history clearly indicate that Section 301(b)(1)(A) effluent limitations are not to be based on the nature, quality or location of receiving waters. This is demonstrated by Section 301(b) itself. Section 301(b)(1) provides that point sources other than publicly owned treatment works must meet, "(A) not later than July 1, 1977 effluent limitations . . . which shall require the application of the best practicable control technology currently available. . . . and . . . (C) . . . any *more stringent* limitation, including those necessary to meet water quality standards. . . ." (emphasis added). The basic structure of the Act is therefore clear. Technology-based limitations imposed pursuant to Section 301(b)(1)(A) are independent of local water quality considerations, but where local water quality-based requirements are *more stringent* than 301(b)(1)(A) requirements they may be imposed pursuant to Section 301(b)(1)(C). This statutory structure would be rendered meaningless if 301(b)(1)(A) limitations can be downgraded due to water quality considerations. Section 304(b) of the Act, which lists the factors which must be taken into account in developing Section 301(b)(1)(A) industrial effluent limitations—from which Crown Simpson and Louisiana-Pacific seek relief—conspicuously omits any reference to water quality.[11] Similarly, Section 304(d)(1), which requires the Administrator to publish information on "the degree of effluent reduction attainable through the application of secondary treatment" for the purpose of developing Section 301(b) effluent limitations for municipal treatment works, contains no reference to the nature or quality of the receiving waters. Clearly, Section 301(b)(1)(A) effluent limitations are not to be based on ambient water quality considerations. The Committee hearings and Congressional debates show that there was no misunderstanding of this vital point by the Congressmen voting for this major bill.[12] It perhaps is best summed up in the remarks of Representatives Clausen, a House conferee:

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[9] The Board did not make independent findings of fact with respect to several of these factors; it merely stated, "the dischargers submitted evidence regarding [these factors.]" In effect, I am accepting as true the assertions of the companies before the State Boards, for the purposes of this proceeding. There was also testimony to the effect that redwood pulp produces more BOD than any other wood species, and that these two mills may be the only mills using that wood (Tr. 47), but there is no explanation in the record as to the contribution this factor would have to the much higher BOD allowed under the variance-based permits. Moreover, I note that this issue was not pressed as an important fact by the companies or relied upon by the State Board, and no mention of this factor was made in comments submitted by the companies on the recommended decision.

[10] From 1965 until the enactment of the FWPCA, the quality of interstate waters had been regulated primarily by State water quality standards, which States were required to promulgate and have approved by the Federal Government under the Water Quality Act of 1965.

[11] Crown Simpson and Louisiana-Pacific argue that the statutory phrase "effluent reduction benefits" means water quality impact. As will be shown below, this argument is entirely unfounded. See *infra* at pp. 31–32.

[12] *See e.g.:* From the Senate Report: The application of Phase I technology to industrial point sources is based upon the control technologies for those sources and to publicly owned sewage treatment works is based on secondary treatment. It is not based on ambient water quality considerations. [Leg. Hist. at 1461 (emphasis added).] The use of any river, lake, stream *or ocean* as a waste treatment system is unacceptable. [Leg. Hist. at 1425 (emphasis added).]

From the House Report: The determination of the best practicable control technology currently available under Section 301(b)(1) is not to be governed by the existing quality of the receiving waters. [Leg. Hist. at 788.]

From the Conference Report: * * * [T]he intent of the Conferees is that effluent limitations applicable to individual point sources within a given category or class be as uniform as possible. The Administrator is expected to be precise in his guidelines under [Section 304(b)], so as to assure that similar point sources with similar characteristics, regardless of their location or the nature of the water into which the discharge is made, will meet similar effluent limitations. [Leg. Hist. at 309.]

From Congressional Debates: Remarks of Senator Muskie, chairman, Senate Subcommittee on Air and Water Pollution, Leg. Hist. at 170. Remarks of Representative Jones (Alabama), House Conferee, Leg. Hist. at 231. Remarks of Senator Tunney, Leg. Hist. at 209.

> Now, and I emphasize this, such "best practicable control technology" will be required even if the quality of the receiving waters do [sic] not require the imposition of effluent limitations consistent with best practicable control technology. This is a technological standard. [Leg. Hist. at 378].

Water quality standards remain a vital part of the amended law, but they are not to be used as a means to avoid compliance with effluent limitations guidelines and new source standards; the discharger must comply with all applicable regulations. The following appears in the Senate Public Works Committee Report:

> Section 301(b)(1)(C) provides adequate authority to apply new information to existing water quality requirements and *upgrade* effluent limits accordingly.
>
> In other words, wherever the Administrator determines that application of the best practicable treatment requirements of Phase I will not provide for implementation of existing water quality standards for interstate or intrastate streams, *he must tighten the requirements* against a source of discharge or group of sources. Leg. Hist. at 1462.

The same is true of water quality related effluent limitations under Section 302:

> Where application of the best available control technology . . . will not attain . . . [the prescribed] standard of water quality, *more stringent effluent limitations* or alternative control strategies can be imposed [under Section 302].
>
> * * * * *
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> *Section 302 is intended to furnish a supplemental basis for improving water quality, and not be a cause for delay* in executing the requirements of Section 301, or for requiring any less stringent effluent limitations. [Leg. Hist. at 1464, 1466 (emphasis added)].[13]

Congressman Wright, a House conferee, expressed his belief that EPA and the States would approach their regulatory duties as the Senate had outlined. He stated that the combination of technology-based and water-quality based restrictions on discharges was "a new system of cleaning up streams by a limitation upon point discharges, a dual approach [which] provides that whichever is the stronger shall apply." Leg. Hist. at 488.

The Supreme Court recently acknowledged the roles water quality and technological feasibility play under the FWPCA.

> The reasons for the statutory schemes have been described as follows: "Such direct restrictions on discharges facilitate enforcement by making it unnecessary to work backward from an overpolluted body of water to determine which point sources are responsible and which must be abated. In addition, a discharger's performance is now measured against strict technology-based effluent limitations—specified levels of treatment—to which it must conform, rather than against limitations derived from water quality standards to which it and other polluters must collectively conform." *EPA* v. *State Water Resources Control Board,* 426 U.S. 200, 204–205, 96 S. Ct. 202, 2024, 48 L. Ed. 2d 578 (footnotes omitted).

E. I. duPont de Nemours and Co. v. *Train,* 430 U.S. 112, 97 S. Ct. 965, 972, n. 3 (1977).[14]

When Congress intended there to be deviation from technology standards due to water quality considerations, it provided definite indication of that intent. Thus, Section 316(a) provides for relaxation of technology-based limitations for thermal discharges, when the discharger can demonstrate that the environment will be protected adequately.[15]

It is in light of this strong Congressional sentiment against water-quality based exceptions from national technology standards that the Crown Simpson and Louisiana-Pacific appeals must be considered, and against which the decisions of the California Water Resources Control Board must be viewed. To the extent that the Board Opinion assumes regulatory authority to relax implementation of technology-based standards for reasons related to water quality, that Opinion is wrong. Efforts by commenters (particularly Hunton & Williams) to argue otherwise are unpersuasive. There is nothing inconsistent between the ultimate congressional goal of cleaner water and the technology-based approach required by Section 301(b)(1)(A) of the Act. As explained by Senator Cooper, a Senate Conferee:

> This is a very direct approach. It is a pragmatic approach. I think we all acknowledge that, in the short run, it may often require larger expenditures then permitting discharges to the point where the water can be shown to be degraded for some use. But I think it is fair to say that after the most thorough examination, the committee concluded that the approach adopted in the bill promised to be a far more effective means of attacking the problems of water pollution control than the 1965 act. Leg. Hist. at 1304.

While Hunton & Williams quote Representative Jones' statement that Congress did not wish "to credit one environmental account and debit another" so as to "negate the overall benefit of the achievement of higher water quality", Leg. Hist. at 232, they ignore the same congressman's statement that "With the exception of modifications of section 301 requirements for the discharges of heat which may be made pursuant to section 316(a), the determination of the *'best practicable control technology currently available' is not to be based upon the existing quality of the receiving waters."* Leg. Hist. at 231. (emphasis added). Congress consciously adopted the Section 301 approach of uniform minimum levels of controls based on technological achievability rather than receiving water quality as its chosen means to attain the goals set out in Section 101 of the Act.[16] I have no

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[13] See also Leg. Hist. at 791 (House Report characterizes Section 302 as providing authority to "supplement any effluent limitations set pursuant to [Section 301(b)(2)]"and notes that proposed effluent limitations under Section 302 "shall in no case operate to delay the application of any effluent limitation established under Section 301"); 209 (Senator Tunney observes that effluent limitations are only "a minimum measure of compliance "); 246 (Representatives Harsha, a House conferee, notes that "The water quality requirements are not intended to be in lieu of the technological requirements for 1977 but are required to be the basis for water quality control if they are more stringent than the effluent limitations determined by 'best practicable control technology currently available' " and that "section 303 . . . is intended to be a supplement to the 1977 and 1983 requirements."), 1281, 1283, 1285 (Senator Bentsen, a Senate Committee member, notes that "[w]here a State or the Administrator finds [Section 301(b)(2) limitations] are insufficient under the criteria of section 302, tougher effluent limitations and alternative control strategies must be established.").

[14] Similarly, the U.S. District Court for the Central District of California recently observed that "Section 301 deals with the technological control of pollutants at their source, *without regard to their effect on the immediate environment * * *." Pacific Legal Foundation* v. *Quarles,* Civil No. 77–521–HP (July 20, 1977), slip op. at 8 (emphasis added).

[15] That section states: With respect to any point source otherwise subject to the provisions of section 301 or section 306 of this Act, whenever the owner or operator of any such source, after opportunity for public hearing, can demonstrate to the satisfaction of the Administrator (or, if appropriate, the State) that any effluent limitation proposed for the control of the thermal component of any discharge from such source will require effluent limitations more stringent than necessary to assure the projection [sic] and propagation of a balanced, indigenous population of shellfish, fish, and wildlife in and on the body of water into which the discharge is to be made, the Administrator (or, if appropriate, the State) may impose an effluent limitation under such sections for such plant, with respect to the thermal component of such discharge (taking into account the interaction of such thermal component of such discharge with other pollutants) that will assure the protection and propagation of a balanced indigenous population of shellfish, fish, and wildlife in and on that body of water.

[16] Moreover, I think that it should be remembered that the *first* enumerated goal set out in Section 101(a) is "that the discharge of pollutants into navigable waters be eliminated by 1985." As thoughtfully explained by Senator Buckley this goal indicates a congressional belief that ultimately *no level* of discharge of pollutants should be tolerable. "Of course, the bill itself has abandoned the attempt, as an ultimate goal, of drawing a causal connection between the discharge of pollutants and the degradation of our streams. In effect, we are saying we know so little about the ultimate consequences of injecting new matter into water

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authority to defy that statutory mandate.[17]

Crown Simpson and Louisiana-Pacific argue that this proceeding presents a situation in which the practical problems normally associated with a water quality related approach to pollution control do not apply, and that therefore an exception to the technology-based approach of Section 301(b)(1)(A) is warranted. They contend that Congress adopted the technology-based approach largely out of concern with the difficulty of calculating and defending water-quality based requirements, but that this concern does not apply here because the burden of proof in a variance proceeding is on the discharger rather than EPA and because the discharger must show a "fundamental" difference in water quality impact. Similarly, the fact that this is a variance proceeding is said to mean that the congressional desire for uniformity of requirements will not be compromised and that the administrative burden upon EPA will not be excessive.

I do not share the companies' confidence that merely by casting matters in the form of a variance that all problems associated with a water-quality based approach evaporate. At best, problems of correlating effluent discharge levels to water quality and of maintaining a measure of national uniformity may be reduced. But these problems will certainly remain severe. More important, regardless of whether or not a water-quality based variance would be meritorious, it would not be consistent with the statute. Congress was well aware of the possibility of such a variance and adopted just such a provision for thermal discharges in Section 316(a). The limitation of Section 316(a) to heat was, in effect, a deliberate rejection by Congress of the kind of scheme proposed by the two companies here.[18]

The question presented is one of fundamental importance under the Act. Congress deliberately chose a technology-based approach and fully appreciated the fact that under certain circumstances it would result in treatment beyond that needed to attain or maintain water quality. To retreat from this basic congressional scheme in this proceeding would, despite Crown Simpson's and Louisiana-Pacific's bland assurances to the contrary, set a precedent which would threaten the integrity of the Act.[19]

The March 17, 1977, Order and Opinion of the California Water Resources Control Board does not directly dispute the interpretation of the FWPCA which I have presented. Instead, the Board appears to rely heavily on recent judicial discussion of EPA's variance clause to support its approval of variances for Crown Simpson and Louisiana-Pacific. However, I cannot agree with the Board's determination. One reason is that I do not believe the cases support the legal position adopted by the Board. Second, I believe the Board's action in effect is the granting of water quality-based variances, which is prohibited.

Essential to a careful review of the Board's determination are the following findings by the Board:

1. "There do not appear to be any environmental benefits which will be derived by requiring these discharges to meet either the [California State] Ocean Plan or Guideline limitations for BOD or pH." (Board Opinion p. 9)

2. "In appraising the evidence related to non-water quality environmental effects and energy requirements the Board must at least in part appraise the significance in terms of the potential environmental benefits to be gained as a result of the imposition of the EPA Guidelines. In this case we have unrefuted evidence presented by the dischargers and concurred with by the Regional Board Executive Officer that the existing discharges result in no water quality problems. Secondly, there is no expected or predictable water quality improvement to be achieved as the result of imposition of the EPA Guidelines. In light of these facts (the magnitude of the chemical and energy requirements, and the potential air and land management problems associated with sludge disposal) we can only conclude the evidence justifies the variance requested." (Board Opinion pp. 16–17).

The variances were granted not because the non-water quality environmental impacts of BPT were of themselves fundamentally different from the impacts considered in the development of the effluent limitations guidelines, but instead because this factor *in relation to* the absence of water quality problems was deemed to be fundamentally different. I cannot find any statement by the State Board that the non-water quality environmental impacts (i.e. sludge, energy etc.) of BPT for the two mills are fundamentally different in and of themselves.[20]

The only aspect of the Crown Simpson and Louisiana-Pacific situation which was found different from most other mills is, in effect, that they discharge directly into the ocean. The companies candidly admitted that this is the "fundamental" difference in the State proceedings.[21]

The issue resolves into asking whether water quality considerations are valid grounds for variances from effluent limitations based upon best practicable technology. The answer to this, as the California Board itself stated, is that it is not a valid basis:

> The argument advanced by the dischargers (variance based on type of the receiving water) is, in our opinion, the essence of what Congress intended to avoid with the Federal Water Pollution Control Act Amendments of

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that it involves a presumption of pollution, and the way to insure ourselves against pollution is through the control and ultimate elimination of pollutants." Leg. Hist. 1332.

[17] Hunton & Williams also argue that my decision in *In Re Public Service Company of New Hampshire* (No. 76–7, June 17, 1977) ("Seabrook") is inconsistent with the legal analysis in this decision. In *Seabrook* at page 13 I found that Section 316(b), which concerns cooling water intake structures, does not require use of technology whose cost is wholly disproportionate to the environmental benefit to be gained. I see no inconsistency. Sections 301(b)(1)(A) and 316(b) are quite different. Section 316(b) is explicitly site-specific while Section 301(b)(1)(A), as discussed above, concerns uniform national standards. Moreover, Section 316(b) concerns the environmental impact of entrapment and entrainment while Section 301(b)(1)(A) concerns reduction in the amount of pollutants discharged by industrial point sources. In establishing effluent limitations guidelines for the paper industry the Agency considered cost in relation to effluent reduction benefits. But the fact that this analysis did not involve consideration of local receiving water quality is inconsistent with neither my decision in *Seabrook* or the language and history of Section 301(b)(1)(A).

[18] Congress is now considering amendments to the Act which would provide relief to publicly owned treatment works discharging to marine waters. *See* H.R. 3199, S. 1952. These amendments would not apply to industrial dischargers.

[19] While the companies assured the State that their arguments applied only to marine discharges, *see supra* at p. 14, the fact is that their arguments logically apply to discharges into any body of water with high dispersion characteristics, and therefore these arguments represent an assault upon one of the basic elements of the 1972 amendments.

[20] The problems associated with sludge disposal on the Samoa penisula was mentioned by the Board as if this were possibly a fundamentally different factor. But the record is ambiguous on the point. The companies did not rely on this difference in their requests for variances to the State. And the State never explicitly found sludge disposal problems at the two mills to be fundamentally different from those problems considered by EPA in developing the regulations.

[21] See *supra* at p. 14. Witnesses for the companies, and counsel in their behalf, have stated that these mills were never considered by EPA in drafting national regulations. The State Board opinion also states this (p. 5). According to a key to the identificaion of plants used in the preparation of the Development Document, which key has been made available to all who have requested access—including Crown Simpson and Louisiana-Pacific, both mills were evaluated by EPA. For example on page 186 of the Development Document, plant 185 (Crown Simpson) and plant 186 (Louisiana-Pacific) are listed. Data for production, flow, BOD5, and TSS for the Crown Simpson mill were used in calculating national limitations. There were insufficient data for Louisiana-Pacific's mill to be used this way.

> 1972. The legislative history of the Amendments reflects a conclusion that regulation of pollution based on a plant by plant basis was unworkable from a practical regulatory standpoint. Congress based the Amendments on predefined minimum levels of treatment technology which were to be applied regardless of the type of receiving water. (Opinion, p. 6).

My authority to provide for variances from BPT flows from, and is inherent in, my authority to promulgate effluent limitations guidelines under Sections 301(b)(1)(A) and 304(b)(1).[22] Thus, in considering variances from effluent limitations I am as constrained by the language and legislative history of the Act with regard to this issue as I am in promulgating the national limitations. Variances can only be based on fundamental differences in factors which are appropriate to technology-based regulations and limitations derived through the variance process must still meet the congressional definition of best practicable control technology currently available.

I therefore reject as unsound the argument by Crown Simpson and Louisiana-Pacific that because variances from BPT are not explicitly mentioned in the Act or its legislative history that I may completely ignore the statute and the intentions of its drafters in administering the variance provision. But in so doing I do not agree that I have rendered the variance provision meaningless. I find only that the variance provision cannot be used to do what Congress clearly forbade. This does not mean that where a fundamental difference can be shown with respect to a factor other than water quality that a variance may not be appropriate.[23]

The State Board also recognized that water quality considerations cannot bc utilized to grant a variance through a weighing of costs and benefits with regard to an individual mill. The Board properly rejected the companies' contention that while their costs of compliance are not substantially different [24] from the costs EPA found would be sustained on an industry-wide basis, their costs *weighed against the local water quality benefits* justify a variance.

The legislative History of the Act firmly rejects any individualized cost/benefit analysis, and no court has ever required it.[25]

Crown Simpson and Louisiana-Pacific also contend that the phrase "effluent reduction benefits" in Section 304(b)(1)(B) means "receiving water quality improvement" and, further, that EPA conceded as much in its brief filed in *Weyerhaeuser Co.*v. *Costle* (No. 76-1674) now pending in the U.S. Court of Appeals for the D.C. Circuit. But, as explained by Senator Muskie:

> The modification of subsection 304(b)(1) is intended to clarify what is meant by the term "practicable." The balancing test between total cost and effluent reduction benefits is intended to limit the application of technology only where the additional degree of effluent reduction is wholly out of proportion to the costs of achieving such marginal level of reduction for any class or category of sources.
>
> The Conferees agreed upon this limited cost-benefit analysis in order to maintain uniformity within a class and category of point sources subject to effluent limitations, *and to avoid imposing on the Administrator any requirement to consider the location of sources within a category or to ascertain water quality impact of effluent controls,* or to determine the eonomic impact of controls on any individual plant in a single community.

Leg. Hist. at 170 (emphasis added). See also Leg. Hist. at 304, 309 (Conf. Rept.).

Thus, it is clear that consideration of effluent reduction benefits does not entail consideration of local receiving water quality improvement. Nothing in EPA's brief in *Weyerhaeuser* is to the contrary.[26]

Moreover, the Development Document, at page 566, shows that EPA analyzed "Costs of BPCTCA vs. Effluent Reduction Benefits" not in terms of receiving water quality improvement but in terms of the amount of pollution removed from discharges.

Where the State Board erred was in finding grounds for variances on the basis of non-water quality environmental impacts. As I have already observed, the Board did not find these impacts, of themselves, to be fundamentally different from the impacts considered on a national basis. Instead, the Board found these impacts to be the basis for variances when weighed against, or considered in light of, the lack of environmental improvement. Crown Simpson and Louisiana-Pacific argue in their comments that the State did not rely upon local water quality considerations in its decision and that it did in fact find a fundamental difference in terms of non-water quality impact alone. But the companies cite only to State observations that there would be non-water quality environmental impacts as a result of compliance with EPA effluent limitations guidelines, not to any finding of *fundamental difference* on this point.[27]

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[22] For this reason it is entirely appropriate that variances from BPT be subject to my approval.

[23] The two companies charge that by rejecting their requests I have established that "it is never appropriate to grant a variance from the requirement of installing a secondary treatment facility." If a fundamental difference can be shown in a factor (other than water quality) and a degree of treatment less than "secondary" would be appropriate under the Act, then such a reduced requirement may be established. But whatever requirement is established for a discharger, whether or not by variance and whether or not it represents "secondary" treatment, it must, for the July 1, 1977 phase of the statutory program, represent "best practicable control technology currently available".

[24] Opinion p. 14.

[25] *See* Leg. Hist. at 170 (statement of Senator Muskie). *See also* Leg. Hist. at 304, 309 (Conf. Rept.). The Fourth Circuit in *Appalachian Power Co.* v. *Train*, 545 F. 2d 1351 (4th Cir. 1976), although it found the variance clause too narrow, noted that: "In requiring that EPA give weight to the relevant statutory factors in developing a subsequent variance provision, we in no way intend to imply that EPA's regulations must provide for a detailed cost-benefit analysis at the permit granting stage. As we indicated in [*duPont* v. *Train*, 541 F. 2d 1018 (4th Cir., 1976)], an overall cost-benefit analysis for each category or subcategory satisfies the mandate of § 304 in this regard. The variance provision should, however, allow the permit issuer to consider significant cost differentials of the particular point source involved." 545 F. 2d at 1360, n. 23. In arguing that *Appalachian Power* stands for the proposition that water quality benefits must be considered in variance decisions Crown Simpson and Louisiana-Pacific ignore this (and other) pertinent language of that case.

[26] On pages 50–51 of that brief any notion to the contrary was explicitly repudiated: "Petitioner's suggestion that the method by which the pollutant parameters for the pulp and paper industry were selected is inconsistent with EPA's argument that it may not base effluent limitations on receiving water quality is also without merit. As discussed at length in Section VI of the Final Development Document, EPA based its selection of pollutant parameters on its consideration of a number of factors. Petitioners correctly note that one of those factors was the environmental harm caused by the particular pollutant. But it must be emphasized that the Agency's evaluation of that factor was limited to a consideration of harmfulness in a generic sense. That analysis is far different from the site-specific water quality assessment which petitioners would require of the Agency. EPA has never required, nor has any Court, that the pollutants it regulates have an equally harmful effect in all water bodies. That BOD and pH are generally harmful is not disputed by petitioners and is documented in the record.

"Moreover, harmfulness was only one element in EPA's selection of BOD and pH for the paper industry. At least as important a factor was the historic measurement of those two parameters by the industry itself—including mills with marine discharges. BOD was selected for the additional reasons that the BOD5 test provides an indirect measure of other pollutants in mill waste streams and that systems for the removal of BOD also remove these other, indirectly measured pollutants, including long term BOD, oil and grease, foam, and a number of compounds which contribute to toxicity. There is nothing inconsistent between this analysis and the general legislative history forbidding the establishment of effluent limitations based on the assimilative capacities of receiving waters." (Footnotes and citations omitted.)

[27] Extensive analyses of the non-water quality environmental impacts of the effluent limitations guidelines for the pulp and paper industry, including sludge landfilling and incineration, air pollution, noise effects, and energy impacts, were performed by EPA and are reflected in the Development Document. See, e.g., pages 349–354, 433–440, 480–483, 490–494, 504–506, 512, 524–538. Perhaps one reason why no finding of fundamental difference in

Footnotes continued on next page

I find the State's conclusion as to the propriety of granting the variances to be based on non-water quality environmental impacts only in light of water quality considerations, and not independently.[28]

First of all, the Act does not require that non-water quality environmental impact (or energy requirements) be weighed against environmental benefit. This factor is only to be given "consideration". Section 304(b)(1)(B).[29] Moreover, it should be obvious that where this factor is deemed fundamentally different, not in its own right but only because water quality effects are different, then the distinction between a variance granted on this basis and one granted directly for water quality reasons is only a form of words.

A water quality based variance cannot be granted merely because it is in the guise of a non-water quality environmental impact based variance. *Appalachian Power Co.* v. *Train, supra,* does not support the State's Opinion on this point. Nothing in that court's opinion authorizes any balancing of non-water quality benefits with water quality benefits, or any localized consideration of water quality improvement. In fact, the court rejected a request by Consolidated Edison Company that it be relieved from meeting the effluent limitations for its plant because of the high cost of non-water quality environmental impacts of the regulations as applied to it as weighed against an asserted lack of water quality improvement in New York Harbor. The court responded:

> "[S]o far as [Con Ed's] petition may be read as a request for leniency because of the already polluted condition of the harbor, it must be rejected. The 1972 amendments to the statute changed the system from that of control of the quality of the body of water to effluent limitations as we have before noted. 545 F. 2d at 1378.

Moreover, as noted previously, the Fourth Circuit specifically noted that "we in no way intend to imply that EPA's regulations must provide for a detailed cost-benefit analysis at the permit granting stage." See note 27 *supra.* I do not understand how the opinion in the *Appalachian Power* case can be held to stand for a principle specifically disavowed by the Court.[30] In fact, the Second Circuit squarely faced this issue and held that:

> The EPA . . . need not document specifically the benefits to society from the curtailment of pollutants from a particular point source. Congress has established as a national goal the complete elimination of pollutant discharges by 1985. . . . The EPA must lead industry toward that goal through the 1977 and 1983 standards, and the agency's discretion is necessarily broad.

California & Hawaiian Sugar Company v. *Environmental Protection Agency,* 553 F. 2d 280, 289 (C.A. 2, April 14, 1977).[31]

Conclusion

Providing relief from technology-based effluent limitations guidelines due solely to the characteristics of particular receiving waters is not within my authority. I am convinced that the law does not permit exemption of Crown Simpson and Louisiana-Pacific from effluent limitations guidelines on the record before me, in which I discern the type of receiving water as being the "fundamental difference" between Crown Simpson's and Louisiana-Pacific's Samoa Peninsula mills on the one hand, and other pulp and paper mills, on the other.

Accordingly, I deny the variance requests and disapprove the effluent restrictions contained in NPDES Permit No. CA0005882, paragraph B4, and NPDES Permit No. CA 0005894, paragraph B5.

Dated: September 15, 1977.

Douglas Costle,

Administrator.

[FR Doc. 80-28644 Filed 9-16-80; 8:45 am]

BILLING CODE 6560-01-M

Footnotes continued from last page

non-water quality environmental impact alone was found by the State was the testimony of Dr. Herman R. Amberg, Director of Environmental Sciences for Crown Zellerbach Corporation (part owner of the Crown Simpson Company), a witness on behalf of Louisiana-Pacific and Crown Simpson. In response to questions posed by Mr. Sam Johnson, a staff engineer for the State, at the December 22, 1976, hearing he said: (Tr. 79, 80, 82):

Mr. JOHNSON: Q. With regard to the issue of variance fundamental differences, is there any difference in your plant and the plants that were examined by EPA with regard to age of the facilities that would support a variance?

A. No, sir.

Q. The process employed?

A. It's essentially the same process.

Q. The engineering aspects of the control technology?

A. I don't think so. I'm not that familiar with the 25 mills that they used.

Q. The process changes required by the guidelines?

A. I'm not sure.

Q. Is the installation of the technology specified by EPA in the development document as BPCTCA within the economic capacity of your company?

A. Yes.

Q. How does your plant compare in the area of non-water quality environmental impacts with the plants that EPA utilized in developing the guidelines?

A. I don't think there's that much difference. However, I should point out, too, that those plants that EPA considered, there was a need for secondary treatment in that they did improve water quality. There was a bona fide need for improvement of the water quality while here there will be no benefit as far as water quality is concerned.

Dr. Amberg's comments apply equally to the two mills. His counsel asked him: "And just to clarify for the entire part of your testimony, are the Louisiana-Pacific and Crown Simpson Mills sufficiently similar so that what you have testified to with respect to Crown Simpson would equally apply to Louisiana-Pacific?" His response was "Yes." (Tr. 67, 68.)

[28] However, I do find well taken the companies' admonition that I should not make a finding that the State *could not* had it properly interpreted the Act, have found fundamental difference with regard to non-water quality environmental impact. I have not independently reviewed the factual record. I therefore express no opinion as to whether the two mills could be found fundamentally different in terms solely of non-water quality environmental impact. This is a matter properly addressed in the first instance by the State. Further, this decision does not stand for the proposition that fundamental difference in this factor cannot justify a variance. Concerns along this line expressed by Southern California Edison Company and others are based on a misunderstanding of the legal analysis which is the basis for my denial of the variance requests at issue here. There is no reason why, in a proper case, a fundamental difference in non-water quality environmental impact could not justify a variance.

[29] Crown Simpson and Louisiana-Pacific argue that non-water quality environmental impact can only be considered by means of a balancing with water quality improvement and that my interpretation of Section 304(b)(1)(B) is strained. On the contrary, I read Section 304(b)(1)(B) quite faithfully. Where Congress intended one factor to be considered in relation to another, such as cost and effluent reduction benefits, it so specified. Where it did not do so I take the omission to be deliberate.

[30] In any event, the continuing vitality of the criticism of the variance clause in *Appalachian Power* is now in doubt in light of the recent decision of the Supreme Court in *E. I. duPont de Nemours and Co.* v. *Train,* 430 U.S. 112, 97 S. Ct. 965 (1977). In that case the Supreme Court reviewed an earlier decision of the Fourth Circuit concerning EPA effluent limitations and noted that "consideration of whether EPA's variance provision has the proper scope would be premature." 97 S. Ct. at 975, n. 19. *See also; Natural Resources Defense Council* v. *EPA,* 537 F. 2d 642, 647 (2d Cir. 1976); *American Petroleum Institute* v. *EPA,* 540 F. 2d 1023 (10th Cir., 1976).

[31] *See also FMC Corp.* v. *Train,* 539 F. 2d 973, 983 (4th Cir. 1976) in which the court rejected the argument that EPA can only regulate pollutants which it finds to be harmful to receiving waters.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 68

Connection of Terminal Equipment to the Telephone Network; Correction

AGENCY: Federal Communications Commission.

ACTION: Correction to final rule.

SUMMARY: The FCC is correcting typographical errors that appeared in its First Report and Order regarding connection of telephone equipment, systems, and protective apparatus to certain private line services. Correction is being made to § 68.306, § 68.310, and § 68.312.

EFFECTIVE DATE: April 30, 1980.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: William J. Von Alven, Common Carrier Bureau, (202) 632-6440.

SUPPLEMENTARY INFORMATION: In the matter of correction of typographical errors in Part 68 of the Commission's rules. *Errata*, CC Docket 79-143.

Released: September 9, 1980.

The following corrections are made concerning the First Report and Order, FCC 80-88, released March 19, 1980:

§ 68.306 [Corrected]

1. In the second sentence of § 68.306(a)(5), change the word "appers" to "appears".

§ 68.310 [Corrected]

2. In the first sentence of § 68.310(a), change (at any frequency 200 f 4000 Hertz) to read (at any frequency 200 f 4000 Hertz).

3. In § 68.310(j), change the phrase in the second sentence from "for both their on-hook and off-hook states" to read "for their off-hook state".

4. In the first line of § 68.310(k) change "Ringin" to "Ringing".

§ 68.312 [Corrected]

5. In § 68.312(c)(1), change "shall be exceed" to read "shall not exceed".

6. In § 68.312(d), change "sub-sections (a) or (b)" to read "sub-sections (b) or (c)".

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80-28673 Filed 9-16-80; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 68

[CC Docket No. 79-143]

Connection of Terminal Equipment to the Telephone Network; Correction

AGENCY: Federal Communications Commission.

ACTION: Correction to final rule.

SUMMARY: The FCC is correcting typographical errors that appeared in its First Report and Order regarding connection of telephone equipment, systems and protective apparatus to certain private line services. Correction is being made to § 68.306(d)(3) and § 68.306(d)(4).

EFFECTIVE DATE: April 30, 1980.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: William J. Von Alven, Common Carrier Bureau, (202) 632-6440.

In the matter of correction of typographical errors in Part 68 of the commission's rules. *Errata*, CC Docket No. 79-143.

Released: August 26, 1980.

1. In § 68.306(d)(3) and § 68.306(d)(4) the references to subsection (a)(1)(i) is incorrect and should read (a)(6)(i). See FCC 80-88 published in the **Federal Register** at 45 FR 20830.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80-28674 Filed 9-16-80; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 78-133; RM-2963; RM-3135]

FM Broadcast Station in Iron River, Mich., and Crandon, Wis.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule (second report and order).

SUMMARY: Action taken herein assigns a Class A FM channel to Crandon, Wisconsin, as that community's first FM assignment, in response to a petition filed by J. Schaefer Enterprises. The channel could provide a first local aural broadcast service to the community. In addition, we are also substituting one Class A channel for another in Iron River, Michigan.

EFFECTIVE DATE: October 24, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Iron Mountain, Michigan, Iron River, Michigan, and *Crandon, Wisconsin*), BC Docket No. 78-133, RM-2963, *RM-3135*.

Second Report and Order—Proceeding Terminated

Adopted: September 2, 1980.

Released: September 12, 1980.

1. In a *First Report and Order*, adopted November 14, 1979, 44 FR 67669, published November 27, 1979, the Commission approved the assignment of two Class C FM channels to Iron Mountain, Michigan, and deleted Channel 280A from that community. A counterproposal (RM-3135) was filed in this proceeding by J. Schaefer Enterprises requesting the assignment of Channel 224A to Crandon, Wisconsin. Because of the Channel 226 assignment to Iron Mountain, Channel 224A was precluded from use at Crandon.

2. The Commission's staff determined that Channel 244A could be assigned to Crandon, if Channel 257A were substituted for Channel 244A (unoccupied and unapplied for) at Iron River, Michigan. A *Further Notice of Proposed Rule Making*, adopted November 14, 1979, 44 FR 67680, published November 27, 1979, made this proposal. No oppositions have been received.

3. Crandon (pop. 1,582),[1] seat of Forest County (pop. 7,691) is located approximately 84 kilometers (52 miles) northeast of Wausau, Wisconsin. There is no local aural broadcast service in Crandon.

4. Sufficient data concerning Crandon's need for a first FM assignment has been provided by J. Schaefer Enterprises.

5. Since an alternate channel is available for assignment at Iron River, and in view of the need for a first local aural broadcast service in Crandon, we believe it would be in the public interest to assign Channel 244A to Crandon, Wisconsin, and substitute Channel 257A at Iron River, Michigan.

6. The Canadian Government has given its concurrence to these assignments.

7. Accordingly, it is ordered, that effective October 24, 1980, § 73.202(b) of the Commission's rules, the FM Table of Assignments, is amended as it pertains to the communities listed below:

City	Channel No.
Iron River, Mich	257A
Crandon, Wis	244A

8. Authority for the adoption of the amendment contained herein appears in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

9. It is further ordered, that this proceeding is terminated.

10. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082 (47 U.S.C. 154, 155, 303))

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[1] Population figures are taken from the 1970 U.S. Census.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-28763 Filed 9-16-80; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-42; RM-3289]

FM Broadcast Station in Hudson Falls, N.Y.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule (report and order).

SUMMARY: Action taken herein assigns Channel 269A to Hudson Falls, New York, as that community's first FM assignment, in response to a petition filed by Carlton E. Reis.

EFFECTIVE DATE: October 24, 1980.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Ira H. Smart or Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Hudson Falls, New York), BC Docket No. 80-42, RM-3289.

Report and Order—Proceeding Terminated

Adopted: September 2, 1980.

Released: September 12, 1980.

1. The Commission has before it for consideration the *Notice of Proposed Rule Making*, 45 FR 9022, published February 11, 1980, proposing the assignment of FM Channel 269A to Hudson Falls, New York, as that community's first FM assignment.[1] Petitioner filed a statement reaffirming his interest in the assignment.

2. Hudson Falls (population 7,917) is located in Washington County on the eastern border of New York. Hudson Falls has one FM station, WNIQ-FM operating under the 10 mile rule from Glens Falls, New York.

3. Petitioner states that Hudson Falls is located in a year-round recreation area which offers hiking, hunting, skiing and trapping. He notes that Hudson Falls is a village in the town of Kingsbury, and along with the town of Fort Edward, shares the county seat of Washington County. Petitioner has submitted sufficient demographic information to support the requested assignment.

4. We believe the assignment of Channel 269A to Hudson Falls is justified. The assignment would provide a second local radio station to serve the needs of this community.

5. Concurrence has been received from the Canadian Government.

6. Accordingly, pursuant to authority contained in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules, it is ordered, that effective October 24, 1980, the FM Table of Assignments (section 73.202(b) of the rules) is amended with respect to the community listed below:

City and Channel No.

Hudson Falls, N.Y.—269A

9. It is further ordered, that this proceeding is terminated.

10. For further information concerning this proceeding, contact Ira H. Smart or Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082 (47 U.S.C. 154, 155, 303))

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-28764 Filed 9-16-80; 8:45 am]

BILLING CODE 6712-01-M

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[1] Station WNIQ-FM (Channel 296A) was recently granted permission to change its city of license from Glens Falls to Hudson Falls.

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47 CFR Part 73

[BC Docket No. 80-11; RM-3149]

FM Broadcast Station in Effingham, Ill.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule (report and order).

SUMMARY: This action assigns Channel 249A to Effingham, Illinois, as its second FM channel in response to a petition filed by Olen M. Evans.

EFFECTIVE DATE: October 24, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Effingham, Illinois), BC Docket No. 80-11, RM-3149.

Report and Order—Proceeding Terminated

Adopted: September 2, 1980.

Released: September 12, 1980.

1. The Commission has before it the *Notice of Proposed Rule Making* adopted January 16, 1980, 45 FR 6122, proposing the assignment of Channel 249A to Effingham, Illinois, issued in response to a petition filed by Olen M. Evans ("Petitioner"). Opposing comments were filed by Effingham Broadcasting Company ("EBC"), licensee of both the existing Class B facility there, WCRC(FM) and the community's only AM station, WCRA.

2. Effingham (population 9,458)[1] in Effingham County (population 24,608) is located 120 kilometers (75 miles) southeast of Springfield, Illinois. Effingham has one AM station and a co-owned FM station, as previously indicated, which are owned by the publisher of the local daily newspaper.

3. EBC had contended that the assignment of FM Channel 249A to Effingham, Illinois, would violate the Commission's policy against intermixture of different classes where preclusion is signficant.[2] The *Notice* requested that the availability of alternative channels to ten (10) precluded communities be demonstrated. Petitioner provided a study indicating such availability to all but Edinburg, Illinois. EBC's opposition focused on Newton, Illinois, the largest of the affected communities. The only possible assignment to Newton has already been requested at two other communities in pending proceedings. EBC therefore concludes that the preclusion impact would be significant and following the Commission's policy, the requested assignment should be denied. The Commission's position on this matter is said to have been reinforced in a recent *Notice of Proposed Rule Making* in BC Docket No. 80-130, which places an emphasis on choosing the least preclusive channel and notifying the affected communities.

4. The Commission's policy has been to permit the intermixture of classes of channels where a Class A channel is requested and the interested party states its willingness to compete with an existing higher class facility. The fact that preclusion would result has not, in more recent cases, been a basis for denying a requested assignment. Instead, the reason for setting forth a list of precluded communities is, as we have announced in BC Docket 80-130, to give notice to these communities of the affect that a pending request would have and thereby provide the opportunity for a conflicting request. Here Newton has

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[1] Population figures are taken from the 1970 U.S. Census.

[2] Citing *Tupelo, Mississippi*, 42 F.C.C. 2d 884 (1973).

been listed as a precluded community in two pending rule makings.[3] No interest has been expressed in providing a local service to Newton. The same is true of Edinburg. We do not believe it would be efficient to reserve the channel for future placement. Rather, if a future interest were to come forth, another pending proceeding (Docket 80-90) may provide new availability in the precluded areas.[4]

5. Accordingly, pursuant to authority contained in §§ 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules, it is ordered, that effective October 24, 1980, the FM Table of Assignments, § 73.202(b) of the rules, is amended with respect to the following community:

City and Channel No.	
Effingham, Ill.	239, 249A

6. It is further ordered, that this proceeding is terminated.

7. For further information concerning this proceeding contact Mark N. Lipp, Broadcast Bureau (202) 632-7792.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082 (47 U.S.C. 154, 155, 303))

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 80-28765 Filed 9-16-80; 8:45 am]

BILLING CODE 6712-01-M

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[3] RM-3369 and RM-3510 for Channel 272A in Vincennes, Indiana and Petersburg, Indiana, respectively. The former has been changed to Channel 221A.

[4] This proceeding proposes to permit the use of Class A facilities on Class B/C channels and to add two intermediate classes of channels, among other things, so as to increase the availability of frequencies for additional stations in various areas of the country.

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1053 and 1307

[Ex Parte No. MC-9 (Sub-1)]

Filing of Contracts by Contract Carriers by Motor Vehicles; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Correction to final rule.

SUMMARY: On September 5, 1980 (45 FR 58865), the Interstate Commerce Commission revised its regulations concerning motor contract carriers to eliminate the requirement that copies of the contracts be filed with the Commission. This document corrects that final rule which did not completely eliminate reference to contract filing requirements.

FOR FURTHER INFORMATION CONTACT: Martin E. Foley, Director, Bureau of Traffic, 202-275-7348.

SUPPLEMENTARY INFORMATION: In revising Part 1053, language to delete §§ 1053.6 and 1053.7 was omitted in error.

In revising § 1307.4, paragraph (d) was indicated as being revised, but the entire text was not shown.

Accordingly:

§§ 1053.6 and 1053.7 [Deleted].

Part 1053 is amended by deleting §§ 1053.6 and 1053.7.

§ 1307.4 [Amended]

Part 1307.4(d) (2) and (3) are revised as follows:

* * * * *

(d) * * *

(2) Each letter of transmittal shall bear the signature of the person issuing the schedule, except that it may bear the signature of the carrier's representative authorized to file schedules with the Commission, provided that a letter of authorization in the form set forth in this subparagraph accompanies the letter of transmittal or has been previously submitted and is effective in the Commission's files. A carrier may have in effect in the Commission's files at any time one, and only one, such letter of authorization. The Commission may decline to accept for filing any schedule not accompanied by a properly signed letter of transmittal.

Letter of Authorization To File Schedules of Contract Carriers

———

(Complete name of carrier)

Permit or Docket No. MC. ———

———

———

(Complete address)

Date ———

To the Interstate Commerce Commission, Washington, D.C. 20423:

This is to certify that ———

———

(Name and address of individual authorized to act)

is hereby authorized to sign letters of transmittal and transmit to the Commission thereunder for filing in compliance with the Interstate Commerce Act, as amended, schedules and supplements thereto issued in the name and MF-ICC series of the carrier named herein.

All such schedules and supplements are to be considered the official filings of the carrier named herein when tendered for filing by the individual named in the first paragraph hereof.

Name of Carrier ———

By ———

Verification: ———

The above statement was subscribed and sworn to before me this ——— day of ———, 19—.

(Notary Public)

(3) A separate letter of transmittal may accompany each schedule or the form may be modified to provide for filing with one letter as many schedules or supplements to schedules as can be conveniently listed. If receipt for the schedules is desired, letters of transmittal must be sent in duplicate and one copy showing the date of receipt by the Commission will be returned to the sender.

(5 USC 553, 559, and 49 and USC 10321 and 10764)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-28658 Filed 9-16-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 651

Atlantic Groundfish Fishery; Cod, Haddock, and Yellowtail Flounder

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/Commerce.

ACTION: Notice of reduction in the weekly landing limitations for cod in the Gulf of Maine and Georges Bank and South.

SUMMARY: This notice reduces the weekly landing limitations for all vessel classes fishing for cod in the Gulf of Maine and Georges Bank and South management areas. This action is necessary to prevent the optimum yields for cod in both management areas from being exceeded by significant amounts.

DATE: This action becomes effective upon filing and will remain in effect through September 30, 1980.

FOR FURTHER INFORMATION CONTACT: Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930; or Frank Grice, Chief, Fisheries Management Division, Northeast Region, National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930. Telephone number for both individuals is (617) 281-3600.

SUPPLEMENTARY INFORMATION: Management of Atlantic groundfish (cod, haddock, and yellowtail flounder) within the U.S. fishery conservation zone is based on a multi-year Fishery Management Plan for Atlantic Groundfish (FMP). The FMP was prepared by the New England Fishery Management Council under authority of the Fishery Conservation and Management Act of 1976, as amended (Act). The FMP establishes annual optimum yields (OYS) and commercial and recreational quotas for each species, a vessel class allocation system, and a system of landing limitations for individual fishing vessels based on vessel class size. These management measures are specified for each fishing year, which begins October 1 and ends September 30. NOAA published final regulations to implement the FMP management measures on January 3 and 11, 1979 (44 FR 885, 2397). Regulations to establish quotas and landing limitations for the 1979–1980 fishing year were published on September 28, 1979 (44 FR 55885).

Section 651.23 of the regulations establishes weekly landing limitations for cod and haddock, by management area (Gulf of Maine or Georges Bank and South) for four classes of fishing vessels (mobile gear vessels: 0–60 gross registered tons (GRT), 61–125 GRT, and 126+ GRT; and fixed gear vessels). The regulations also give the Assistant Administrator for Fisheries, NOAA (Assistant Administrator), discretionary authority to adjust the landing limitations within maximum and minimum limits for certain conservation and management purposes specified in § 651.23(f).

Statistics on cod landings collected by the Northeast Region, National Marine Fisheries Service, indicate that the rate of landings over the past several months is greater than a rate consistent with achieving OY over the course of the fishing year. A 30 percent reduction in cod landing limitations for each vessel class for the Gulf of Maine and Georges Bank and South management areas is necessary to prevent the OYs from being exeeded by significant amounts. These reductions, while substantial, will allow fishing vessels to continue pursuing a mixed species groundfish fishery in which cod is a primary component.

The landing limitations are revised as follows:

Vessel Class Landing Limitations

[Pounds of cod per fishing week per vessel]

Vessel class (GRT)	Present limitation	Revised limitation
Cod in the Gulf of Maine		
Mobile gear vessels:		
0 to 60	from 2,500 lb to	1,750
61 to 125	Erom 5,000 lb to	3,500
126 plus	From 7,000 lb to	4,900
Fixed gear vessels	From 5,000 lb to	3,500
Cod in Georges Bank and South		
Mobile gear vessels:		
0 to 60	From 7,000 lb to	4,900
61 to 125	From 14,000 lb to	9,800
126 plus	From 20,000 lb to	14,000
Fixed gear vessels	From 16,000 lb to	11,200

The Assistant Administrator determined that these reductions in landing limitations were necessary for conservation and management of the cod resources on August 29, 1980. The Northeast Region, National Marine Fisheries Service, notified the news media of this action on August 29, 1980, and mailed notices to all holders of Federal fisheries permits for Atlantic groundfish (issued pursuant to § 651.4) on September 5, 1980.

Appendix B to Part 651, which contains the landing limitations for the FCZ by species, management area, and vessel class, has been revised to conform with this action and is reprinted at the end of this document.

(16 U.S.C. 1801 *et seq.*)

Signed at Washington, D.C. this 11th day of September, 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

Appendix B.—*Catch Limitations*

Vessel class	Gulf of Maine weekly limit	Georges Bank and South weekly limit
Cod (pounds per week) [1]		
Mobile gear:		
0 to 60 GRT	1,750	4,900
61 to 125 GRT	3,500	9,800
126 plus GRT	4,900	14,000
Fixed gear	3,500	11,200
Haddock (pounds per week) [1]		
Mobile gear:		
0 to 60 GRT	5,000	7,000
61 to 125 GRT	7,000	14,000
126 plus GRT	10,000	20,000
Fixed gear	16,000	16,000

[1] No overruns are allowed.

Yellowtail Flounder[2]

Vessel class	West of 69° W.	East of 69° W.
0 to 60 GRT	Closed Apr. 13	5,000
61 to 125 GRT	Closed Apr. 13	5,000
126 plus GRT	Closed Apr. 13	5,000

[2] Pounds per week or per trip, whichever is the longer time period. No overruns are allowed.

[FR Doc. 80-28688 Filed 9-12-80; 4:51 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 45, No. 182

Wednesday, September 17, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

1 CFR Part 305

Eliminating or Simplifying the "Race to the Courthouse" in Appeals From Agency Orders; Draft Recommendations

AGENCY: Administrative Conference of the United States.

ACTION: Request for public comments on draft recommendations.

SUMMARY: The Administrative Conference's Committee on Judicial Review has under consideration draft recommendations on eliminating or simplifying the "race to the courthouse." Interested persons are invited to comment on the draft recommendations.

DATES: Comments by October 10, 1980.

ADDRESS: Send comments to: Linda A. Sedivec, Administrative Conference of the United States, 2120 L Street, N.W., Suite 500, Washington, D.C. 20037 (202/254-7065).

FOR FURTHER INFORMATION CONTACT: Linda A. Sedivec (202/254-7065)

SUPPLEMENTARY INFORMATION: The Administrative Conference's Committee on Judicial Review has under consideration draft recommendations for simplifying or eliminating the "race to the courthouse", which occurs as a result of the requirement in 28 U.S.C. 2112(a) that when petitions are filed for appellate review of the same agency order in two or more courts of appeals, the forum shall be that court in which a petition was first filed. The Committee's recommendations are based on a report prepared by Professor Thomas O. McGarity of the University of Texas at Austin.

The recommendations are based on the conclusion that the "race to the courthouse" tends to discredit the administrative and judicial processes, subjecting them to ridicule. The principal recommendation, therefore, is addressed to Congress and proposes elimination of the condition that creates the "race." The remaining recommendations refer to actions which can be taken by the agencies and courts to simplify the situation in the absence of new legislation.

Many agency actions subject to direct review in the courts of appeals involve more than one private party that may legitimately consider itself aggrieved by the agency action. In most such cases, a single court of appeals is not specified by statute as the reviewing court, and venue may lie in more than one such court. Many lawyers believe that one court of appeals is likely to be more receptive than another to their clients' arguments in an agency review proceeding. The choice of the reviewing court has therefore assumed large importance in the review of some actions of some agencies.

A statute, 28 U.S.C. 2112(a), provides that, where petitions for appellate review of the same order are filed in two or more courts of appeals, the record of the agency proceeding is to be filed by the agency in the court in which the first petition was filed, and that court then has jurisdiction of the review proceeding to the exclusion of others. This provision has become less and less useful as the choice of forum has become more significant in lawyers' minds and races to the courthouse have proliferated and methods of conducting the races have become more refined. Races are now sometimes decided by seconds or fractions of seconds, if they can fairly be said to have been decided at all. (There is no single finish line to cross or tape to break; time stamping machines in clerks' offices are not synchronized.) Moreover, races will be even harder to judge as agencies adopt regulations, designed to make the races fairer and more civilized, specifying the date and time at which agency orders are deemed to have been issued.

The spectacle of the race to the courthouse is an unedifying one that tends to discredit the administrative and judicial processes and subject them to warranted ridicule. It will require Congressional action to bring the final curtain down on the spectacle. Our first and principal recommendation is addressed to Congress. It calls for simple random selection of the reviewing court when a race ends in a dead heat or near dead heat. Pending Congressional action, there are actions that the agencies and the courts themselves can take to ameliorate the present sorry situation, and we also make recommendations addressed to the agencies and to the Judicial Conference for such interim actions.

A. Recommendations to Congress

1. Congress should amend 28 U.S.C. 2112(a) to provide that, if petitions to review the same agency order have been filed in two or more courts of appeals within ten days after the order was issued, the agency is to notify the Administrative Office of the United States Courts of that fact; that the Administrative Office, on the eleventh day after the issuance of the order, is to choose from among the circuits in which petitions have been filed according to a scheme of non-periodic rotation among those circuits and notify the agency of that choice; and that the agency is then to file the record of the proceeding in the court so chosen, which will take jurisdiction and conduct the review proceeding, subject to the existing power, which would not be changed, to transfer the case to any court of appeals for the convenience of the parties in the interest of justice.

The amended section 2112(a) should provide further that a court of appeals in which a petition for review has been filed that has jurisdiction to entertain the petition may, in a case of pressing need, issue a stay of the agency order during the period in which no court has been chosen to take jurisdiction of the proceeding, the stay to remain in effect pending further order of the chosen court or a transferee court; and that, if the court in which the record is filed determines that it lacks jurisdiction or venue is improperly laid but that jurisdiction and venue may be proper in another circuit, the court is to notify the Administrative Office of that fact, and the Administrative Office then will choose from among the remaining courts in which petitions have been filed according to the same scheme of non-periodic rotation.

Finally, the amended section 2112(a) should provided that, if the court in which the record is filed determines that not all of the proceedings referred to it concern the same agency order, it is to notify the Administrative Office of that fact and transfer the proceedings concerning such matters as do not involve the same order to a court chosen by the Administrative Office from the remaining courts in which petitions have been filed according to the same scheme of non-periodic rotation.

B. Recommendations to the Agencies

1. In the absence of legislation, those agencies whose actions have resulted or are likely to result in races to the courthouse should specify in advance a time at which their orders are to be deemed issued or their actions are otherwise ripe for judicial review. Such agencies should do this by generic regulation if possible and, if that is not possible, by specifying times of issuance or ripeness case by case.

2. Agencies should carefully define the scope of their actions. When an agency issues two or more simultaneous rules or orders at the end of a single proceeding, it should determine and state whether it considers those rules or orders the "same order" for purposes of judicial review. When an agency issues two or more successive rules or orders during a single proceeding, it should determine and state whether those rules or orders that have not already resulted in court decisions are the "same order" for purposes of judicial review.

C. Recommendation to the Judicial Conference

1. In the absence of further legislation, the Judicial Conference should promulgate a rule under which, if two or more petitions have been filed simultaneously in two or more courts of appeals (*e.g.,* within one minute of one another), the courts are to inform the Administrative Office of the United States Courts of that fact, and the Administrative Office is then to choose by lot or according to a scheme of non-periodic rotation from among the circuits in which such petitions have been filed the court that is to make the determination which court shall take jurisdiction of the proceeding.

Richard K. Berg,

Executive Secretary.

September 12, 1980.

[FR Doc. 80-28746 Filed 9-16-80; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 68

Review of Part 68, Subpart A—Regulations

AGENCY: Federal Grain Inspection Service (FGIS)[1].

ACTION: Request for comments on review of regulations, under E.O. 12044.

SUMMARY: In compliance with the review of regulations requred by Executive Order 12044 and Departmental policy, the Federal Grain Inspection Service will review all of Subpart A—Regulations, Part 68, except for §§ 68.42a through 68.42c and solicits views and comments from interested parties regarding the development of any recommendations for change.

DATE: Comments must be submitted or mailed on or before November 17, 1980.

ADDRESS: Comments must be sent in duplicate to: Director, Issuance and Coordination Staff, FGIS, USDA, 1400 Independence Avenue, SW., Room 1127, Auditors Building, Washington, D.C. 20250, Telephone (202) 447-3910.

FOR FURTHER INFORMATION CONTACT: Edith A. Christensen, Chief, Rice and Commodities Branch, Inspection Division, FGIS, USDA, 1400 Independence Avenue, SW., Room 0637, South Building, Washington, D.C. 20250, Telephone (202) 447-8752.

SUPPLEMENTARY INFORMATION: To comply with Executive Order 12044 and Departmental policy that no regulation exists for more than 5 years without review or repromulgation, the Federal Grain Inspection Service (FGIS) will review 7 CFR Part 68, Subpart A, as published in the Code of Federal Regulations volume for 7 CFR Parts 53–209, revised as of January 1, 1980. Subpart A contains the regulations with respect to inspection and certification of certain agricultural commodities and the products thereof under the Agricultural Marketing Act of 1946, as amended. This review will cover §§ 68.1 through 68.41 and 68.43 through 68.54 of Subpart A to determine the effectiveness and responsiveness of the present regulations to the needs of the users of the inspection service and to FGIS policies. The review will also cover clarification of existing language in the regulations. Sections 68.42a, 68.42b and 68.42c concern fees and are excluded from the review as fees are reviewed at least annually.

Interested parties are invited to submit comments and views on all sections subject to this review.

(Sections 203, 205, 60 Stat. 1087, 1090, as amended (7 U.S.C. 1622, 1624))

Done in Washington, D.C. on: September 9, 1980.

L. E. Bartelt,

Administrator.

[FR Doc. 80-28643 Filed 9-16-80; 8:45 am]

BILLING CODE 3410-02-M

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[1] Authority to exercise the functions of the Secretary of Agriculture contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627), concerning inspection and standardization activities related to grain and similar commodities and products thereof, has been delegated to the Administrator, Federal Grain Inspection Service (7 U.S.C. 75a; 7 CFR 68.2(e)).

SMALL BUSINESS ADMINISTRATION

13 CFR Part 122

Business Loans; Loans to Qualified Employee Trusts

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: These proposed rules would implement the "Small Business Employee Ownership Act of 1980," Title V of Pub. L. 96-302, which was enacted on July 2, 1980. In order to encourage the ownership of small corporations, the new law authorizes the Small Business Administration to make deferred participation (guaranteed) loans to certain employees trusts to enable them to acquire an interest in the small business with which they are associated.

DATE: Comments must be received on or before October 17, 1980.

ADDRESS: Written comments, in duplicate, are to be addressed to Director, Office of Business Loans, Small Business Administration, 1441 L Street, NW, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Questions regarding these proposed regulations may be directed to Richard L. Wray, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, 202-653-6470.

SUPPLEMENTARY INFORMATION: The proposed rules are placed in a new Subpart C of Part 122. Section 122.202 sets forth the Congressional purposes in authorizing SBA to make guaranteed (deferred participation) loans to employee trusts to enable them to acquire an interest in the businesses with which they are associated. One purpose is to enable a small business concern to finance its corporate growth by obtaining funds from its employee trust which need not acquire a majority stock interest in the business. However, Congress indicated its intent, in the legislative history, that the trust acquire a reasonable amount of voting securities. Accordingly, § 122.202(a) proposes that the trust would acquire a sufficient number of votes to prevent corporate action which could adversely affect the independent existence of the small concern. For example, if state law requires a two-thirds vote to dissolve or merge a corporation, it is contemplated that the employee trust obtaining a guaranteed loan from SBA would acquire one vote more than one-third of the voting stock. This would ensure that the funds from the guaranteed loan would be utilized to assist a continuing enterprise and that the owners of the remaining shares could not defeat the legislative purpose, while enabling the participants to agree with the other owners on dissolution or on a merger. Section 122.202(b) presents the other legislative purpose to enable a qualified employee or similar trust, which represents 51 percent of the employees, to purchase at least 51 percent of the total stock of a business which is a small business concern or which would be such a concern after the purchase (*e.g.* spin-off of a division from a large business).

Section 122.203 sets forth several definitions of terms used in the new Subpart C. This prevents unnecessary repetition in the proposed rules. Some of the definitions are derived specifically from the legislative language, such as qualified employee trust and qualifying employer security.

Section 122.204 makes clear that, except as indicated, the SBA regulations in Chapter I of Title 13 of the Code of Federal Regulations are applicable to guaranteed loans made under this Subpart C. The section specifically notes that loans in this Subpart C may only be deferred participations (guaranteed loans), the borrower may be an employee trust instead of a small business concern, and the lender may look to the prospects of success by the small business in determining if the loan is of sound value. In addition, only where an employee-owner assumes managerial responsibilities, may the lender and SBA consider the individual's business experience.

Section 122.205(a) reflects the eligibility of a qualified employee trust as contained in new section 3(c)(2) of the Small Business Act ("Act") (15 U.S.C. 632(c)(2)). Thus, the trustee thereof must enter into an agreement with SBA which provides that the loan will be used solely to purchase designated securities of the employer concern for the purposes prescribed, that the business shall provide the trust with sufficient funds to pay off the loan, that the business' property may be used as collateral, that the securities acquired by the trust shall be allocated to eligible plan participants, and that each plan participant has a vested right to the securities by the time the loan is repaid.

Section 122.205(b) prescribes the eligibility of a trust which may be treated as a qualified employee trust for purposes of an SBA guaranteed loan. Such trust must represent at least 51 percent of the employees, the plan must invest primarily in qualifying employer securities, the plan participants must be allowed to direct the vote of such securities by majority vote, the plan must contain a fair valuation formula if such securities are not readily tradable, and the organization maintaining such trust must agree with SBA on provisions similar to those agreed to by trustees of qualified employee trusts. Note that the regulation refers to a majority vote of the qualifying employer securities instead of "the outstanding common shares voted" as the statute does. This was done because it is possible that the qualifying employer securities (as defined in section 4975(e)(8) of the Internal Revenue Code) may not, in a particular case, consist of common shares. Consequently, reference to qualifying employer securities provides for consistency. With respect to a trust equivalent to a qualified employee trust, the statute provides that plan participants be granted the right to require the employer concern to repurchase the securities pursuant to a fair valuation formula if such securities are not readily tradable on an established market. The regulation implements this provision. No such statutory provision exists for SBA regulations with respect to the qualified employee trust. Accordingly, the regulation does not require such a fair valuation formula.

Section 122.206 provides that where an employee trust representing 51 percent of the employees of the business proposes to acquire at least 51 percent of the stock of the business, the trustee must submit to SBA together with the application for a loan guarantee the following commitments: 1) The business, after the purchase, will not be under any control by the seller, 2) by the time the loan is repaid, at least 51 percent of the eligible employees shall own at least 51 percent of the stock, 3) the trustee will make an annual review of the role of employees in the management of the business, and 4) the trustee shall make annual reports to SBA.

Section 122.207 prescribes credit requirements. Thus, the business must maintain adequate managerial ability. Repayment ability will be based primarily on the earnings history and projected future earnings of the business. An employee trust may supplement the business' payments to establish repayment ability. SBA cannot consider the personal assets of the plan participants. Further, the loan proceeds must enable the business to overcome competitive difficulties.

Section 122.208 prescribes that the loan applications must follow the basic procedures for regular section 7(a) guaranteed loans including proof of refusal of the required financial assistance.

Accordingly, pursuant to the authority contained in sections 3(c)(3) and 5(b)(6) of the Small Business Act [15 U.S.C. 631 *et seq.*], Part 122, Chapter I, Title 13 of the Code of Federal Regulations, would be amended as follows:

1. Present Part 122 is amended by designating it as Subpart A.
2. Subpart B is reserved.
3. A new Subpart C is added to read as follows:

PART 122—[Amended]

1. Part 122 is amended by designating the existing test as Subpart A.
2. Subpart B is added and reserved.
3. Subpart C is added as set forth below.

Subpart B—[Reserved]

Subpart C—Loans to Qualified Employee Trusts

Sec.

122.201 Statutory provisions.
122.202 Policy.
122.203 Definitions.
122.204 Applicability of other SBA regulations.
122.205 Eligibility.
122.206 Change of ownership.
122.207 Credit requirements.
122.208 Application procedure.

Authority: 15 U.S.C. 632(c)(1), 634(b)(6) and 636(a)(8), Title V of Pub. L. 96-302, approved July 2, 1980 (94 Stat. 833).

Subpart C—Loans to Qualified Employee Trusts

§ 122.201 Statutory provisions.

The statutory authority for these loans appears at 15 U.S.C. 632(c) and 636(a)(8) [94 Stat. 850 *et seq.*]

§ 122.202 Policy.

Subject to the limitations prescribed herein, SBA may guarantee a loan under section 7(a) of the Act (15 U.S.C. 636):

(a) To a Qualified or other Employee Trust (which may be treated as a Qualified Employee Trust under section 3(c)(3) of the Act) that is maintained by a continuing Small Business Concern which is seeking to finance such small business concern's corporate growth through the use of such guaranteed loan funds, so long as the relevant plan provides that not later than the date the guaranteed loan is repaid, such trust will hold the number of votes required under either law or charter, as the case may be, to prevent corporate action, such as dissolution or merger, which would adversely affect the continued existence of the Employer Concern as a Small Business Concern; or

(b) To a Qualified or other Employee Trust representing at least 51 percent of the employees to purchase at least 51 percent of the total stock of a business operated for profit which is (1) a Small Business Concern, or (2) a business controlled by another person or entity if, after the purchase is accomplished pursuant to § 122.204(f), such business would be a Small Business Concern.

§ 122.203 Definitions.

Defined terms are capitalized throughout this Subpart C. As used in this Subpart: *Act* means the Small Business Act, 15 U.S.C. 631 *et seq.*

Employee means, in the case of a loan not involving a change of majority owership of the employer concern's stock, every person who has been on the payroll of the employer concern as a permanent, full-time employee in any capacity for at least 30 days prior to the date SBA receives the application for a loan guarantee. In case of a loan guarantee to an Employee Trust to effect a change of the majority ownership (at least 51%) of the Employer Concern, employee means every person on the payroll of such concern as a permanent, full-time employee in any capacity at the time such majority ownership is acquired.

Employee Organization means an entity representing at least 51% of the Empolyees of the Employer Concern and which maintains a trust treated as an Employee Trust.

Employee Trust means a Qualified Employee Trust or a Trust [described in § 122.205(b)] maintained by an Employee Organization.

Employer Concern means the present or prospective Small Business Concern with respect to which an Employee Trust is receiving an SBA loan guarantee. It does not include a proprietorship, partnership, cooperative or other form of business organization.

ESOP means an employee stock ownership plan that qualifies under section 4975(e)(7) of the Internal Revenue Code of 1954.

Qualified Employee Trust means, with respect to a Small Business Concern, a trust which forms part of an ESOP:

(1) Which is maintained by such concern and

(2) Which provides that each plan participant is entitled to direct the plan how to vote the Qualifying Employer Securities which are allocated to the account of such participant with respect to corporate matters which, by law or charter, must be decided by a majority vote of outstanding Qualifying Employer Securities voted.

Qualifying Employer Security means an employer security which is (1) stock or otherwise an equity security, or (2) a bond, debenture, note, certificate or other evidence of indebtedness which is described in paragraphs (1), (2) and (3) of section 503(e) of the Internal Revenue Code of 1954.

Small Business Concern means a corporation organized or chartered under State law that is eligible for an SBA guaranteed loan under section 7(a) of the Act.

§ 122.204 Applicability of other SBA regulations.

All regulations of this chapter applicable to borrowers under section 7(a) of the Act shall apply to the Employer Concern, except as provided in this section:

(a) The borrower receiving these loan guarantees must be an Employee Trust eligible under § 122.205 below.

(b) SBA's assistance is available only as a loan guarantee (deferred participation) as authorized by section 7(a) of the Act (15 U.S.C. 636).

(c) All such loans must be of such sound value or so secured as reasonably to assure repayment, based on the Employer Concern's reasonable prospects of success.

(d) Personal guarantees of the participants in the trust, including those having managerial responsibilities, shall not be required as a condition of the loan guarantee.

(e) The individual business experience or personal assets of employee-owners shall not be used as criteria in determining whether to guarantee a loan; in the case, however, where certain employee-owners may assume managerial responsibilities, SBA may consider business experience.

(f) An Employee Trust may apply for a loan guarantee to purchase a business which, by reason of affiliation with another person or entity, is other than small if, after the purchase is accomplished, such business would be an eligible Small Business Concern. Such purchase shall be deemed accomplished when at least 51% of the total stock of the Employer Concern is allocated to the accounts of at least 51% of the employees no later than the date the guaranteed loan is repaid [or as soon thereafter as is consistent with section 401(a) of the Internal Revenue Code of 1954].

§ 122.205 Eligibility.

(a) *Qualified Employee Trust.* A Qualified Employee Trust shall be eligible for an SBA loan guarantee, with respect to a Small Business Concern, if the trustee of such trust enters into an agreement with SBA which is binding on both the Trust and the Small Business Concern, which provides that

(1) The SBA guaranteed loan shall be used solely for the purchase of Qualifying Employer Securities of such Small Business Concern,

(2) All funds acquired in such purchase shall be used by such concern solely for the purposes for which the loan was guaranteed,

(3) Such concern shall provide the funds necessary to enable the trust to make timely repayment of the loan,

(4) The property of such concern shall be available as security for repayment of the loan,

(5) All Qualifying Employer Securities acquired by such trust in such purchase shall be allocated to the accounts of plan participants who are entitled to share in such allocation, and

(6) Each plan participant has a nonforfeitable (vested) right, not later than the date such loan is repaid, to all such Qualifying Employer Securities which are so allocated to the participant's account.

(b) *Trust equivalent to Qualified Trust Employee Trust. A trust may be treated as a Qualified Employee Trust with respect to a Small Business Concern, and, consequently, eligible for an SBA loan guarantee if:*

(1) Such trust is maintained by an employee organization which represents at least 51% of the Employees of such concern, and

(2) Such concern maintains a plan

(i) Which is an employee benefit plan designed to invest primarily in Qualifying Employer Securities,

(ii) Which provides that each plan participant is entitled to direct the vote of the Qualifying Employer Securities, which are allocated to such participant's account, on corporate matters which, by law or charter, must be decided by a majority vote of the Qualified Employer Securities voted,

(iii) Which provides that each participant who is entitled to distribution from the plan has a right, with respect to Qualifying Employer Securities not readily tradable on an established market, to require that the Employer Concern repurchase such securities under a fair valuation formula delineated in such plan, and

(iv) Which provides procedures for including future employees in the plan, and

(3) Such organization, with respect to an SBA loan guarantee, enters into an agreement with SBA setting forth the provisions delineated in subsection (a) of this section.

§ 122.206 Change of ownership.

When the purpose of a loan guarantee to an Employee Trust is to purchase at least 51% of the stock for the benefit of at least 51% of the Employees of a Small Business Concern or a business controlled by another person or entity, the trustee of the trust must include without limitation in a proposed agreement with SBA to be submitted with the application for the guarantee the requirements that

(a) Subsequent to such purchase, such business will be a corporation which is:

(1) A Small Business Concern, and

(2) Not under the effective control, directly or indirectly, of the seller, and

(b) Not later than the date the guaranteed loan is repaid [or as soon thereafter as is consistent with the requirements of § 401(a) of the Internal Revenue Code of 1954] at least 51% of the total of the concern shall be allocated to the accounts of at least 51 percent of the Employees,

(c) There will be annual reviews by the plan participants or by the trustee of the role of the Employees in the management of such concern,

(d) There will be adequate management to assure management expertise and continuity, and

(e) The trustee shall report annually to SBA with respect to the requirements of this section.

§ 122.207 Credit requirements.

(a) *Management ability.* The Small Business Concern must maintain adequate managerial ability which may be derived from contracts with employee-owners, or from others. The individual business experience of employee-owners may be considered only when such persons assume managerial responsibilities. An Employee Trust relying on the expertise of other than employee-owners shall endeavor to train employee-owners for management responsibilities in order to accelerate the assumption of managerial responsibilities by employee-owners no later than the date the guaranteed loan is repaid.

(b) *Repayment ability.* In determining whether there exists a reasonable assurance of repayment by the Employee Trust pursuant to § 122.204(c), SBA shall consider the earnings history and projected future earnings of the Employer Concern together with its ability to make the necessary payments to the trust. An Employee Trust owning less than 51 percent of the total stock of the Employer Concern may—but is not required to—provide a plan whereby contributions from the participants to the trust will supplement the Small Business concern's payments in order to establish repayment ability.

(c) *Personal Resources.* In determining whether to guarantee any loan under this Subpart C, SBA shall not consider the personal assets of employee-owners or other owners of the Small Business Concern. The terms of the loan may require, however, that the Small Business Concern dispose of assets not required by it in the conduct of its business or not reasonably necessary to its potential healthy growth.

(d) *Competitiveness.* The trustee must document in the application that funds generated from the Employee Trust will enable the Small Business Concern to overcome present competitive difficulties, if any, which may have an adverse impact on the Small Business Concern's prospects of success, including (without limitation) plant obsolescence or the need for regulatory compliance.

§ 122.208 Application procedure.

Applications for these loans shall be submitted by a participating lender following the procedures for all section 7(a) guaranteed loans, including (without limitation) proof of refusal of the required financial assistance as specified in § 120.2(a)(1) of these regulations. Applications shall be made on SBA Forms 4 and 4I, which are incorporated herein by this reference, and shall include the agreement described in § 122.205 or § 122.206.

(Catalog of Federal Domestic Assistance No. 59.012 (Small Business Loans))

Dated: September 11, 1980.

William H. Mauk, Jr.,

Acting Administrator.

[FR Doc. 80-28737 Filed 9-16-80; 8:45 am]

BILLING CODE 8025-01-M

CIVIL AERONAUTICS BOARD

14 CFR Parts 207, 208, 212, 214, 380, 399

[Docket 30667; EDR-328-B; SPDR-58B; PSDR-48B]

Price Advertising Rules for Charters

Dated: September 12, 1980.

AGENCY: Civil Aeronautics Board.

ACTION: Termination of rulemaking proceeding.

SUMMARY: The CAB is terminating a rulemaking that was directed at changing the price advertising rules for charters, because the problems that initiated this rulemaking were mitigated by the Public Charter rules and other deregulatory changes, and the problems that remain can be handled by other means.

FOR FURTHER INFORMATION CONTACT:

Reuben Robertson, Bureau of Consumer Protection, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5930.

SUPPLEMENTARY INFORMATION: On June 9, 1977, the CAB issued an advance notice of proposed rulemaking, EDR-328/SPDR-58/PSDR-48 (42 FR 30376, June 14, 1977), in response to a petition from Gogo International and several similar petitions requesting changes in the price advertising rules for air transportation. The notice solicited comments to determine the extent that air carriers and ticket agents used unfair and deceptive price advertising practices in the sale of air transportation, especially charters (prohibited by Section 411 of the Act). It also incorporated another notice of proposed rulemaking, EDR-311 (41 FR 46424, October 21, 1976), which proposed that groups organizing affinity charters be required to state the total tour price, including taxes and service charges, because their practice of listing the extra charges separately misled the participants.

Virtually all of the comments received by the Board concerned price advertising problems with charter tours. At that time, each different type of charter had its own set of regulations, with substantial differences among them. For example, the rules governing Inclusive Tour Charters (ITCs), Special Event Charters (SECs), and One-stop-inclusive-Tour-Charters (OTCs) (14 CFR 378.12, 378a.105(c), 378a.27) limited the advertising of those charters to the total tour price without separate disclosure of component costs. (References to these now-revoked rules are as they appeared in the January 1, 1978 edition of Title 14 of the Code of Federal Regulations.) The Advance Booking Charters (ABCs) (14 CFR 371.27), which did not necessarily have any ground component, were not subject to that limitation. The Group Inclusive Tour (GITs) rules (14 CFR 399.84) permitted advertisement of component costs so long as the advertisement clearly disclosed the total tour price.

Gogo International, Inc., which submitted the subject petition, requested an amendment of ITC and OTC regulations (Sections 378.12 and 378a.27) to allow charters to advertise seasonal or optional surcharges separately from the basic tour price. Gogo argued that the amendment would remove the competitive disadvantage that the one-component rule placed on certain types of charters and reduce the public's confusion over fares.

The tour operator comments tended to agree with Gogo International. Direct air carriers commented that advertising the basic price plus surcharges would encourage low-balling and mislead consumers, particularly if the basic price package were not commonly available. Other commenters requested the extension of the one-component price advertising rule to all types of charters to make the rules consistent and to restore parity in competition. They argued that a breakdown in costs is arbitrary in package tours, and would mislead participants into thinking that they could purchase the components separately.

The Public Charter rule, which replaced the older charter forms mentioned in the petitions, contains no price advertising restrictions. However, these charters are still covered by the general prohibition against unfair and deceptive advertising contained in section 411 of the Federal Aviation Act. During the period when the CAB promulgated the Public Charter rules and started implementing the Deregulation Act, this rulemaking was inactive. Now, many of the problems pointed out by the commenteres seem to have diminished. The promulgation of the Public Charter rules eliminated many of the different categories of charters along with their inconsistent rules.

The CAB has received few complaints recently about deceptive charter advertising. Some of the reasons for this apparently are the effect of the consumer protection provisions in the Public Charter rules, the competition from discount fares offered by the scheduled airlines, and a general decrease in the number of charters. The bulk of deceptive advertising complaints now received by the Board occurs in connection with scheduled air transportation.

We have decided that the practice of stating taxes and incidental charges (by percentage or figure) separate from the basic tour price is not in itself an unfair and deceptive practice. Of course, false statements in this area, as in others, could constitute violations of Section 411 of the Act, as for example where an additional charge is described as a tax, but no such tax is imposed.

On the basis of information now before us, we conclude that such deceptive advertising practices can be adequately dealt with through existing enforcement procedures.

Accordingly, the Civil Aeronautics Board is terminating this rulemaking proceeding.

(Secs. 101, 204 and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, and 771; 49 U.S.C. 1301, 1324 and 1386)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 80-28703 Filed 9-16-80; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 154

[Docket No. RM80-76]

Regulations To Amend Filing Requirements for Interstate Pipelines Respecting the Incurrence of Production, Production-Related, and Non-allocable Costs

Issued September 9, 1980.

AGENCY: Federal Energy Regulatory Commission; DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission proposes to amend § 154.63 of its regulation to require filing of certain information by an interstate pipeline as part of any rate request or amendment. The information, to be filed on a new proposed schedule, would include data as to the types of activities performed by the pipeline and costs incurred for those activities. The proposed amendment is an outgrowth of Commission rules and policy recently issued under Docket No. RM80-47, "Regulations implementing Section 110 of the Natural Gas Policy Act of 1978 and Establishing Policy under the Natural Gas Act", 45 FR 53099 (Aug. 11, 1980).

DATE: Comment period closes October 24, 1980.

ADDRESSES: Comments should reference Docket No. RM80-76 and should be submitted to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Written comments submitted in this proceeding will be available for public inspection in the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during regular business hours.

FOR FURTHER INFORMATION CONTACT: John Conway, Office of the General Counsel, Federal Energy Regulatory Commission, Room 8100-K, 825 North Capitol Street, NE., Washington, D.C. 20426.)202) 357-8150.

By this Notice, the Federal Energy Regulatory Commission (the Commission) proposes to amend§ 154.63 of its regulations. The amendment would require filing of certain information by interstate pipelines that incur production costs, non-allocable costs, and production-related costs. The amendment provides that certain information must be filed by interstate pipelines. In addition, the amendment specifically references the recently issued policy of § 2.102 of the regulations.[1]

A. Background

Order No. 94 established a policy under the Natural Gas Act for interstate pipelines in the lower-48 states. The policy provides that:

> If an interstate pipeline purchases natural gas in a first sale, then, in any proceeding brought under the Natural Gas Act to determine the lawfulness of the rates and charges of such pipeline, any activity that results in the pipeline incurring a production-related cost with respect to such gas (whether or not the activity for which the cost is incurred is conducted by the pipeline) shall be deemed prudent if: (1) the activity is one the cost of which could have been applied for under Subpart K of Part 271 had it been undertaken by the seller; or (2) the cost incurred is a prudent compression cost.[2]

For purposes of the policy, the terms "first sale" and "interstate pipeline" have the same meanings as those terms have under the Natural Gas Policy Act of 1978 (the NGPA);[3] and the term "production-related cost" has the same meaning as that term has under § 270.102(b)(17) of the Commission's regulations.[4]

The policy of § 2.102 is an outgrowth of the Commission's rules to implement section 110(a)(2) of the NPGA.[5] Under section 110(a)(2), the Commission has discretion to permit sellers of natural gas to charge prices in excess of NGPA-established ceiling prices in order to allow sellers to recoup production-related costs borne by them. Yet section

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[1] Section 2.102 was issued as part of Order No. 94, "Regulations Implementing Section 110 of the Natural Gas Policy Act of 1978 and Establishing Policy under the Natural Gas Act," Docket No. RM80-47 (issued July 25, 1980), 45 FR 53099 (August 11, 1980).

[2] Order No. 94 at 78, § 2.102(a), 45 F.R. at 53114.

[3] *See* Order No. 94 at 78, § 2.102(b)(1), 45 FR at 53114.

[4] *Id.* at 79, § 2.102(b)(3), 45 FR at 53114. Section 270.102(b)(17) defines "production-related costs" to mean "costs (excluding production costs and non-allocable costs) of compressing, gathering, processing, treating, liquefaction, conditioning, or transporting natural gas or other similar costs." *See* Order No. 94 at 80, 45 FR at 53114-53115.

[5] These rules appear under Subpart K of Part 271 of the Commission's regulations; *see* particularly §§ 271.1100, 271.1104 and 271.1105, as amended, Order No. 94 at 81, 82-88, 45 FR at 53115-53116.

110 applies only to costs borne by the seller of the gas. There may also be situations in which costs are incurred by the purchaser of the gas because certain activities are not performed by the seller. It was to deal with this latter situation for interstate pipelines that purchase gas in a first sale that the Commission established the policy of § 2.102.[6]

The policy of § 2.102 describes what production-related activities will be deemed prudent if performed by an interstate pipeline. Two major categories of activities are provided for. The first is for activities that, had they been done by the seller, the seller could have applied under Subpart K of Part 271 for their costs. The second is for certain activities undertaken to compress the natural gas.[7] The policy statement thus recognizes, as a general proposition, that these two categories of activities should be deemed prudent and, consequently, should not be subject to challenge except with respect to the amount expended.

In order to properly implement the policy of § 2.102, a pipeline should file information as part of its case in chief as to costs incurred after its purchase of natural gas and whether those costs, and the activities that engendered those costs, should be borne by the pipeline's gas customers. The present general filing requirements (found under § 154.63 of the Commission's regulations) do not now provide for the filing of such information.

B. Description of the Proposed Rule

Section 154.63 of the regulations would be amended to require an additional statement, "Statement R—Production-Related Costs." If a pipeline purchases natural gas in a first sale and then incurs costs prior to its sale of the gas that would have been production costs, non-allocable costs or production-related costs if incurred by the seller, then the information required by Statement R would be filed.[8] The information supplied by Statement R would include an identification of the activities involved and the total level of costs incurred by the pipeline for those activities. For those activities that are "production-related" additional information, segregated by seller's contract, or producing field or area (as may be appropriate), would be supplied. For this category, the nature of the activities involved, the total costs incurred for each activity (including investment costs), the apportionment of those costs to gas customers (as opposed to oil, gas liquid or other non-gas customers) and the methods used to apportion the costs would be given. In addition, any method used to assign direct or indirect costs to the activities would be given.

It is proposed that the information given for production-related activities and costs should be of such detail as to permit a finding that the activities undertaken by the pipeline are prudent activities for which gas customers should bear the costs. The standards enumerated under the policy of § 2.102 may be used to this end. For activities not deemed prudent under the policy statement of § 2.102, and for the amount of all costs claimed as being attributable to gas customers, the pipeline must provide such information as would support a finding that these activities and costs are prudent.

As described here, the filing requirements of new Statement R would apply only to interstate pipelines that purchase natural gas in a first sale. The information to be supplied on Statement R may also be of practical use in decisions respecting the pricing of gas that is produced by a pipeline rather than purchased by the pipeline in a first sale, and for which NGPA rate treatment is available.[9] Comments on the application of the proposed filing requirements of new Statement R for such pipeline producers are therefore specifically requested.

C. Public Comment Procedures

Interested persons are invited to submit written comments, data, views or arguments with respect to this proposal. Comments should be submitted to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 and should reference Docket No. RM80-76. An original and 14 copies should be filed. Comments should be received on or before October 24, 1980. Comments so received will be considered by the Commission prior to the promulgation of a final rule under this Docket.

All written submissions will be placed in the public file which has been established in this Docket and will be available for public inspection in the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426, during regular business hours.

(Natural Gas Act as amended, 15 U.S.C. 717, *et. seq.*; Department of Energy Organization Act, 47 U.S.C. 7101-7352; E.O. 12009, 42 FR 46267)

In consideration of the foregoing, Part 154 of Chapter I, Title 18, Code of Federal Regulations, is proposed to be amended as set forth below.

By Direction of the Commission.

Kenneth F. Plumb,
Seretary.

1. Section 154.63 is amended in paragraph (b)(3) by inserting at the end of the third sentence a new sentence to read as follows:

§ 154.63 Changes in a tariff, executed service agreement or part thereof.[1]

* * * * *

(b) *Material to be submitted.* * * *

(3) *Major rate increase.* * * * Statement R is required to be submitted by all classes of companies. * * *

2. Section 154.63 is further amended by adding to the end of paragraph (f) a new schedule to read as follows:

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[6] *See* Order No. 94 at 59-63 and Appendix thereto, 45 FR at 53111-53113.

[7] The "prudent compression cost" of the policy statement is defined as any compression cost that:

(i) is not a production cost;

(ii) is properly allocable to the gas stream purchased by the pipeline for the benefit of its gas consumers; and

(iii) is in one of the following categories:

(A) a compressor or compression facility serving two or more onshore producing wells, leases or fields or more than one offshore producing platform and necessary to pressurize the gas for pipeline entry absent any treatment, processing, or conditioning but only to the extent the cost so incurred is the least cost of compression practicable;

(B) compression necessary to treat, process, or condition the gas but only to the extent such treatment, processing, or conditioning is necessary to exceed the minimum quality standards set forth under § 271.1104(c)(4);

(C) compression necessary because of pressure loss attributable to treating, processing, or conditioning the gas stream but only to the extent that such treatment, processing, or conditioning was necessary to exceed the minimum quality standards set forth under § 271.1104(c)(4); or

(D) a compressor or compression facility that is not necessary for or because of any treatment, processing, or conditioning but operates on a transporting system to decrease upstream line pressure.

[8] "Production costs" are defined as "all costs incurred for exploration, development, production and abandonment operations, enhanced recovery techniques (including costs of compression incurred in the production of stripper well natural gas to which the pricing provisions of Subpart H of Part 271 apply), gas-lift pumping or other liquid lifting equipment located on or in the vicinity of the wellhead or the point of commingling gas on the offshore platform from which the gas is produced, and costs that attend compression necessary for lifting liquids, cycling gas in a gas-condensate reservoir or pressurizing an oil reservoir." *See* § 270.102(b)(15), 45 F.R. 53114.

"Non-allocable costs" are defined as "all costs incurred for the construction or operation of facilities to recover, separate, extract, process, treat, dehydrate, store, or transport crude oil or natural gas liquids or both." *See* § 270.102(b)(16), 45 F.R. 53114.

The definition of "production-related costs" was given above, *see* note 4 *supra*.

[9] *See* Order No. 98, "Final Rule Governing Pricing of Pipeline Production Under the Natural Gas Act", Docket No. RM80-6 (issued August 4, 1980), 45 FR 53091 (Aug. 11, 1980).

§ 154.63 Changes in a tariff, executed service agreement or part thereof.[1]

* * * * *

(f) *Description of statements.* * * *

Statement R—Production-related costs. If a pipeline purchases natural gas in a first sale and incurs costs prior to the sale of the gas so purchased which, had they been incurred by the seller of the gas, would have been "production costs", "non-allocable costs", or "production-related costs", as defined in § 270.102(b)(15), (16) and (17) of this chapter, the pipeline shall submit data describing each of the costs and the activity related to such cost. In the case of costs that are "production-related" the data shall be segregated by seller's contract, or producing field or area (as may be appropriate), and shall describe: the nature of the activities involved; the total costs incurred for each activity (including investment costs); the costs apportioned to natural gas customers and a description of the methodologies used to apportion those costs to natural gas customers, and methodologies used (if any) to assign direct and indirect costs to the activities. The identification of the production-related activities, and the amounts expended therefor, is to be in such detail as to show that they are prudent activities for which customers should bear the cost. For those activities deemed prudent in § 2.102 of Part 2, the standards specified in that section may be used. For activities not deemed prudent under § 2.102, and for the amount of all costs claimed as being attributable to natural gas customers, the pipeline shall provide such information as would support a finding that these activities and costs are prudent.

[FR Doc. 80-28626 Filed 9-16-80; 8:45 am]

BILLING CODE 6450-85-M

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18 CFR Part 270

[Docket No. RM80-72]

Special Rule Under Part 270: Production Costs and Maximum Lawful Prices in Sales Under the Natural Gas Policy Act of 1978

Issued September 9, 1980.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission proposes to amend § 270.101(a) of its regulations implementing the Natural Gas Policy Act of 1978 (NGPA) to provide that any first sale of natural Gas (other than a sale of deregulated high-cost gas) that results in a purchaser bearing "production costs" in addition to the first sale price is a sale exceeding the maximum lawful price of the NGPA. The proposed rule, if implemented, would define costs that cannot be shifted to purchasers under the NGPA. The proposed amendment is an outgrowth of Commission rules and policy recently issued under Docket No. RM80-47, "Regulations Implementing Section 110 of the Natural Gas Policy Act of 1978 and Establishing Policy under the Natural Gas Act, 45 FR 53099 (August 11, 1980).

DATES: Comment period closes October 24, 1980.

ADDRESS: Comments should reference Docket No. RM80-72 and should be submitted to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Written comments submitted in this proceeding will be available for public inspection in the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during regular business hours.

FOR FURTHER INFORMATION CONTACT: John Conway, Office of the General Counsel, Federal Energy Regulatory Commission, Room 8100-K, 825 North Capitol Street, NE., Washington, D.C. 20426. (202) 357-8150.

By this notice, the Federal Energy Regulatory Commission (Commission) proposes to amend its regulations issued under Part. 270. The proposed amendment would be to § 270.101(a), the general regulations implementing the Natural Gas Policy Act of 1978 (NGPA).[1] The proposed amendment would provide that any first sale (other than the sale of deregulated high-costs gas) that results in the purchaser bearing "production costs" in addition to the first sale price is a first sale exceeding the applicable maximum lawful price. The purpose of the proposed amendment is to complement the regulations implementing section 110 of the NGPA for production-related costs.

Background

On July 25, 1980, the Commission amended its regulations implementing section 110 of the NGPA.[2] Those amendments were to the provisions of Subpart K, Part 271 of the regulations that operate to permit sellers under the NGPA, lawful add-ons to their first sale prices for certain production-related costs.[3] In developing those amendments, the Commission concluded that:

> We believe that there are two types of costs outside the scope of section 110 and therefore not allowable under its provisions. These are costs incurred in the production and sale of nonnatural gas commodities (as, for example, costs allocable to oil and liquid production), and costs which are incurred for the wellhead production of natural gas. To grant an allowance under section 110 for either of these two types of activities would be a circumvention of the NGPA pricing provisions. With respect to costs for the production and sale of nonnatural gas commodities, these should be borne by the consumers of oil and liquids; and with respect to costs incurred for the wellhead production of natural gas, the costs should properly be borne by producers under NGPA ceiling prices.[4]

As a corollary to this conclusion, the Commission interpreted section 110's description of production-related costs as being costs "incurred only after the natural gas leaves the wellhead (i.e., is produced)."[5]

These conclusions were implemented in Order No. 94. The term "production-related costs" was defined to exclude "production costs" and "nonallocable costs."[6] The term "production costs" was defined as:

> * * * all costs incurred for exploration (including but not limited to geological and geophysical surveys, leasing, drilling, and equipping natural gas wells), development, production and abandonment operations, enhanced recovery techniques (including costs of compression incurred in the production of stripper well natural gas to which the pricing provisions of Subpart H of Part 271 apply), and lift or pumping equipment located on or in the vicinity of the wellhead or the point of commingling as on the offshore platform from which the gas is produced.

The regulations and policy issued in Order No. 94 addressed two aspects of the question of who should bear costs to produce natural gas and bring that gas to market. First, the regulation considered the case in which a first seller[7] incurs production-related costs.

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[1] Pub. L. No. 95-621, 92 Stat. 3353 (1978), 15 U.S.C. 3301 *et seq.* (Supp. II 1978).

[2] Order No. 94, "Regulations Implementing section 110 of of the Natural Gas Policy Act of 1978 and Establishing Policy under the Natural Gas Act," Docket No. RM80-47 (issued July 25, 1980) 45 F.R. 53099 (Aug. 11, 1980).

[3] Section 110 of the NGPA provides in relevant part that "* * * a price for the first sale of natural gas shall not be considered to exceed the maximum lawful price applicable to the first sale of such natural gas * * * if such first sale price exceeds the maximum lawful price to the extent necessary to recover * * * any costs of compressing, gathering, processing, treating, liquefying, or transporting such natural gas, or other similar costs, borne by the seller and allowed for, by rule or order, by the Commission."

[4] Order No. 94, note 2 *supra* at 9, 45 FR. at 53101.

[5] *Id.* at 14, 45 FR. at 53102.

[6] *Id.* at 80, 45 FR at 53114-53115. 18 CFR 270.102(b)(17).

[7] Under section 2(21)(A) of the NGPA a "first sale" is defined as:

> any sale of any volume of natural gas—
>
> (1) to any interstate pipeline or intrastate pipeline;
>
> (ii) to any local distribution company;
>
> (iii) to any person for use by such person;
>
> (iv) which precedes any sale described in clauses (i), (ii), (iii), and
>
> (v) which precedes or follows any sale described in clauses (i), (ii), (iii), or (iv) and is defined by the Commission as a first sale in order to prevent circumvention of any maximum lawful price established under this Act.

Footnotes continued on next page

The regulations of Subpart K were revised to provide a mechanism whereby the seller could increase its maximum lawful price to recoup some of these production-related costs.[8] Second, the Commission issued a policy statement under its Natural Gas Act authority to deal with the situation in which an interstate pipeline gas purchaser incurs the production-related costs instead of a seller.[9]

The regulations did not consider the case in which a producer-first seller attempts to shift to the purchaser costs that were incurred in producing the gas. That is, the regulations did not address the question of what costs, if any, for actually producing the gas should not be shifted to a purchaser by the producer.

B. The Proposed Rule

The Commission proposes to amend § 270.101 of its regulations implementing the NGPA by adding a new clause to § 270.101(a). The new clause, to be entitled "Special Rule for Production Costs," would provide that any first sale which shifts a production cost to the purchaser in a first sale is a sale that circumvents the ceiling price provisions of the NGPA. The amendment is based on the proposition that the ceiling prices of Title I of the NGPA, at the very least, provide for the recovery of costs incurred for finding and producing natural gas. Therefore, just as it would be an abuse of discretion to permit the add-on of a production cost under section 110 of the NGPA, it would be a violation of the ceiling price provisions to permit a seller to impose on a purchaser production costs that the seller has not incurred, and to do so by charging a first sale price and requiring the purchaser to subsequently incur the necessary production costs.

C. Comment Procedures

Interested persons are invited to submit written comments, data, views, or arguments with respect to this proposal. Comments should be submitted to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 and should reference Docket No. RM80-72. An original and 14 copies should be filed. Comments should be received on or before October 24, 1980.

All written submissions will be placed in the public file that has been established in this docket and which is available for public inspection in the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426, during regular business hours.

The Commission intends to hold a public hearing on the amendment proposed in this notice as required by section 502 of the NGPA. The date and location of such hearing will be announced in the future. The amendment will not become final until the Commission has had the opportunity to receive oral presentations of relevant data, views and arguments.

(Natural Gas Policy Act of 1978; 15 U.S.C. 3301-3432 (Supp. II 1979))

In consideration of the foregoing, the Commission proposes to amend Part 270 of Chapter 1, Title 18, Code of Federal Regulations as set forth below.

By Direction of the Commission.

Kenneth F. Plumb,

Secretary.

Section 270.101 of Part 270 is amended by revising paragraph (a) to read as follows:

§ 270.101 Application of ceiling prices to first sales of natural gas.

(a) *Maximum lawful price.* (1) *General rule:* It is unlawful for any person to sell natural gas (other than deregulated high-cost gas) at a first sale price in excess of the highest maximum lawful price applicable to such gas under Part 271 of this chapter. No maximum lawful price applies to deregulated high-cost gas.

(2) *Special rule for production costs.* For purposes of this paragraph, any first sale of natural gas, other than a sale of deregulated high-cost gas, which results in a purchaser incurring production costs, in addition to the first sale price, is a sale of natural gas at a price in excess of the highest maximum lawful price applicable to such gas.

* * * * *

[FR Doc. 80-28827 Filed 9-16-80; 8:45 am]

BILLING CODE 6450-85-M

Footnotes continued from last page

Certain sales, such as those of volumes of natural gas from pipelines or local distribution companies, are not included in the definition of "first sale" unless they are sales of volumes of natural gas attributable to the production of these sellers; *see* section 2(21)(B) of the NGPA.

[8] Order No. 94, note 2 *supra* at 81-88, 45 FR at 53115-53116.

[9] *Id.* at 78-79, 45 FR at 53114.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1607-4]

Approval and Promulgation of Implementation Plans—Maine; Ambient Monitoring Network

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Revisons to the State Implementation Plan (SIP) for the State of Maine were submitted to EPA on July 1, 1980 by the Commissioner of the Department of Environmental Protection. On May 10, 1979 EPA promulgated Ambient Air Quality Monitoring, Data Reporting, and Surveillance Provisions. That action revoked the requirements for air quality monitoring in Part 51 of Title 40 of the Code of Federal Regulations and established a new Part 58 entitled Ambient Air Quality Surveillance. Those regulations satisfy the requirements of Section 110(a)(2)(C) of the Clean Air Act (the Act) by requiring ambient air quality monitoring and data reporting for purposes of SIPs. Additionally, requirements of Sections 319, 313, and 127 of the Act are satisfied.

The intended effect of Maine's SIP revision is to meet the requirements of this new Part 58.

This Notice discusses Maine's submittal and EPA's proposed action. EPA is proposing to approve the comprehensive air quality monitoring network.

DATES: Comments must be received on or before October 17, 1980.

ADDRESSES: Copies of Maine's submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M. Street, S.W., Washington, D.C. 20460; the Department of Environmental Protection, Ray Building, Augusta, Maine 03224; and the Department's Regional Offices at 31 Central Street, Bangor, Maine 04401; 634 Main Street, Presque Isle, Maine 04769; and 17 Commercial Street, Portland, Maine 04101.

Copies of EPA guidance pertaining to the requirements of the SIP revision are available for inspection in Room 1903, JFK Federal Building, Boston, Massachusetts; the Public Information Reference Unit, Environmental Protection Agency, 401 M. Street, S.W., Washington, D.C. 20460; and at the Department of Environmental Protection, State House, Augusta, Maine 04333.

Comments should be submitted to the Regional Administrator, Region I, Environmental Protection Agency, Room 2203, JFK Federal Building, Boston, Massachusetts 02203.

FOR FURTHER INFORMATION CONTACT: Donald P. Porteous, Air Section, EPA Region I, 60 Westview Street, Lexington, Massachusetts 02173, (617) 861-6700.

SUPPLEMENTARY INFORMATION: On May 10, 1979 (44 FR 27558) pursuant to the requirements of Sections 110(a)(2)(C), 319, 313 and 127 of the Act, EPA promulgated Ambient Air Quality Monitoring, Data Reporting, and Surveillance Provisions, revoking Part 51 and establishing a new Part 58 entitled Ambient Air Quality Surveillance.

As required by Subpart C, 58-20, "the State shall adopt and submit to the Administrator a revision to the plan which will:

(a) Provide for the establishment of an air quality surveillance system that consists of a network of monitoring stations designated as State and Local Air Monitoring Stations (SLAMS) which measure ambient concentrations of those pollutants for which standards have been established in Part 50 of this chapter.

(b) Provide for meeting the requirements of Appendices A, C, D, and E to this part.

(c) Provide for the operation of at least one SLAMS per pollutant during any stage of an air pollution episode as defined in the contingency plan.

(d) Provide for the review of the air quality surveillance system on an annual basis to determine if the system meets the monitoring objectives defined in Appendix D to this part. Such review must identify needed modifications to the network such as termination or relocation of unnecessary stations or establishment of new stations which are necessary.

(e) Provide for having a SLAMS network description available for public inspection and submission to the Administrator upon request. The network description must be available at the time of plan revision submittal and must contain the following information for each SLAMS:

(1) The Storage and Retrieval of Aerometric Data, (SAROAD), site identification form for existing stations.

(2) The proposed location for scheduled stations.

(3) The sampling and analysis method.

(4) The operating schedule.

(5) The monitoring objective and spatial scale of representativeness as defined in Appendix D to this part.

(6) A schedule for:

(i) locating, placing into operation, and making available the SAROAD site identification form for each SLAMS which is not located and operating at the time of plan revision submittal,

(ii) implementing quality assurance procedures of Appendix A to this part for each SLAMS for which such procedures are not implemented at the time of plan revision submittal, and

(iii) resiting each SLAMS which does not meet the requirements of Appendix E to this part at the time of plan revision submittal."

Maine has worked closely with EPA, Region I to design a comprehensive monitoring system. The number and locations of SLAMS were jointly determined by Maine and the Regional Office. Stations are located in all areas where Maine and EPA decided they are necessary to determine: (1) highest concentrations expected to occur in the area covered by the network; (2) representative concentrations in areas of high population density; (3) the impact of significant sources or source categories on ambient pollution levels; and (4) general background concentrations. Maine will operate the SLAMS network in accordance with the Quality Assurance Procedures described in Appendix A to 40 CFR Part 58 and will submit a written Quality Assurance Program to the Regional Office by August 31, 1980. Some SLAMS will be designated as episode monitoring sites for declaring and monitoring episodes for CO, SO_2, NO_2, O_3, and particulate matter.

Maine also provides for a special purpose monitoring system which is comprised of several studies designed to aid in determining air quality levels and the effects of air pollution sources on air quality in Maine, measure effects of control strategies on air quality, and provide a better understanding of air pollution in Maine and the effects of air pollution on the public's health.

The site-specific SLAMS monitoring network description is not included in the SIP revision to allow for annual review and revision of the network without repeating the full SIP revision procedure.

Maine's submittal establishes an ambient air monitoring network for "Criteria Pollutants" (SLAMS) meeting Appendices A, C, D, and E, establishes episode monitoring stations, and provides for a network description and an annual SLAMS review.

EPA finds the Maine submittal meets the applicable regulations and is proposing approval of the comprehensive air quality monitoring network.

The Administrator's decision to approve or disapprove the plan revision will be based on whether it meets the requirements of Section 110(a)(2)(C), 319, 313, and 127 of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 58. This revision is being proposed pursuant to Sections 110(a) and 301 of the Clean Air Act, as amended (42 U.S.C. 7401 et seq. and 7601).

Dated: August 26, 1980.

William R. Adams, Jr.,

Regional Administrator, Region I.

[FR Doc. 80-28646 Filed 9-16-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 86

[FRL 1546-1]

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Revisions to Minimize Certification Compliance Costs for Small-Volume Light-Duty Vehicle, Light-Duty Truck, and Heavy-Duty Engine Manufacturers and EPA

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of development of regulations

SUMMARY: By this notice the EPA is announcing that it is developing regulations to establish a modified procedure for demonstrating certification compliance requirements under Part 86 for light-duty vehicle, light-duty truck, and heavy-duty engine manufacturers that have annual sales of fewer than 10,000 vehicles or engines. EPA intends to issue an interim final rule for 1981 and 1982 model years allowing for voluntary participation. EPA will also issue a Notice of Proposed Rulemaking which will propose mandatory requirements beginning in 1983. Public comments will be requested through the NPRM process.

DATES: As currently planned, the schedule of actions and events leading to the promulgation of these regulations is as follows:

Publish Interim Final Rule and Notice of Proposed Rulemaking: October 1980.
Close of comment period: November 1980.
Publish final rulemaking: June 1981.

FOR FURTHER INFORMATION CONTACT: Charles Cole, Technical Support Staff, Certification Division, Mobile Source Air Pollution Control, Environmental

Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105. (313) 668-4444.

SUPPLEMENTARY INFORMATION: The current motor vehicle emission certification requirements, contained in 40 CFR Part 86, apply equally to all light-duty vehicle, light-duty truck, and heavy-duty engine manufacturers regardless of the manufacturer's total sales, except that those manufacturers with projected sales of fewer than 2,000 vehicles or engines may request a reduction in the number of test vehicles or engines; most frequently, this means an assigned deterioration factor. Therefore, a manufacturer who produces a small number of vehicles or engines must submit to EPA the same information in the form of reports and applications and comply with other certification procedures as a manufacturer producing large numbers of vehicles or engines. These requirements cause both the manufacturer and EPA to expend a disproportionate amount of resources, when compared to the potential air quality impact of a large-volume manufacturer, to complete the small manufacturer's certification process.

EPA intends to establish a modified procedure for small-volume manufacturers for demonstrating certification compliance. The modified procedure will include a reduction in the paperwork submitted to EPA, and reduced emission-data vehicle mileage (or engine service) accumulation requirements, and other certification procedure changes. The modified certification procedure will apply to those manufacturers whose projected U.S. sales are fewer than 10,000 units (for the model year in which certification is sought). The modified certification procedure will not decrease the stringency of the emission control program because the manufacturers will still be required to complete emission testing and report the results to EPA before a certificate of conformity is issued. The decrease in reporting requirements and relaxation in emission-data vehicle and engine requirements may slightly increase the risk of certifying an engine family which would not have complied with standards if subjected to the current full certification program. However, this increased risk is not expected to demonstrably affect air quaity. First, the number of vehicles affected by this procedure would be quite small. Second, the manufacturer's responsiblities under other EPA programs (i.e., Selective Enforcement Audit, recall, inspection and maintenance, and fuel economy) will not be changed by this modified certification procedure. Other records or reports normally submitted to EPA will be retained by the manufacturer in his records.

Date: September 9, 1980.

Douglas M. Costel,
Administrator.

[FR Doc. 80-28671 Filed 9-16-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 63

[CC Docket No. 78-72]

MTS and WATS Market Structure; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Extension of time.

SUMMARY: The Commission is extending the time for filing comments and reply comments in response to its Report and Third Supplemental Notice of Inquiry and Notice of Proposed Rulemaking. That Report dealt with the Commission's conclusion that it should not adopt rules restricting interstate telecommunications services equivalent to MTS and WATS in the nation as a whole. This extension gives more time to Alascom, Inc. to file its comments regarding the adoption of such rules for the Alaska Market.

DATES: Supplemental comments of Alascom, Inc. must be received on or before November 10, 1980. Replies to supplemental comments of Alascom, Inc. must be received on or before December 10, 1980.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Carl D. Lawson, Policy and Program Planning Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554. Telephone: (202) 632-9342.

In the matter of MTS and WATS market structure, CC Docket No. 78-72, Phase 2. Order extending time for filing comments and reply comments (See 45 FR 55777).

Adopted: August 27, 1980.

Released: September 5, 1980

By the Chief, Common Carrier Bureau:

1. On August 12, 1980, Alascom, Inc., filed a motion seeking an extension of 24 days, from October 17, 1980 until November 10, 1980, for the filing of its comments in response to the Report and Third Supplemental Notice of Inquiry and Proposed Rulemaking in the above-captioned matter.

2. The grounds for this motion are that Alascom, Inc., will have less time to prepare its comments than the Commission anticipated when it adopted the October 17 deadline because delays in duplication preclude release of the Report and Third Supplemental Notice until August 25, 1980.

3. No oppositions to the Alascom motion have been filed.

4. Therefore, it is ordered, that the date for filing supplemental comments of Alascom, Inc. in response to the Report and Third Supplemental Notice of Inquiry and Proposed Rulemaking is extended to and including November 10, 1980, and the date for filing replies to such supplemental comments of Alascom, Inc. is extended to and including December 10, 1980.

5. This action is taken pursuant to authority found in Section 4(i), 5(d)(1) and 303(f) of the Communications Act, as amended, and § 0.291 of the Commission's Rules.

Federal Communications Commission.

Philip L. Verveer,
Chief, Common Carrier Bureau.

[FR Doc. 80-28647 Filed 9-16-80; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-478; RM-3563]

FM Broadcast Station in Show Low, Ariz.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making and order to show cause.

SUMMARY: Action taken herein proposes the assignment of two Class C channels and the deletion of a Class A channel at Show Low, Arizona, in response to a petition fied by KBW Associates, Inc. In addition, we are proposing to modify the Class A station to specify one of the Class C channels. The proposed Class C channels could provide first and second service to a large area.

DATES: Comments must be filed on or before November 7, 1980, and reply comments must be filed on or before November 28, 1980.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

Adopted: September 3, 1980.

Released: September 15, 1980.

In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations. (Show Low, Arizona), BC Docket No. 80–478, RM–3563.

1. The Commission herein considers a petition for rule making [1], filed by KBW Associates, Inc. ("petitioner"), which seeks the assignment of Channel 243 to Show Low, Arizona, as that community's second FM assignment. Petitioner states it will apply for the channel, if assigned. No responses to the petition have been received.

2. Show Low (pop. 2,285) [2] in Navajo County (pop. 47,715), is located approximately 200 kilometers (125 miles) northeast of Phoenix. It is served locally by daytime-only AM Station KVWM, fulltime AM Station KVSL (licensed to petitioner) and FM Station KVWM-FM (Channel 228A).

3. Petitioner states that Show Low is the largest community in an area of approximately 100 miles. It adds that as of 1978, Show Low's population had increased 78% since 1970, which showed a 30% increase over the 1960 census (U.S.). It expects this population growth pattern to continue.

4. Petitioner asserts that there are few if any radio stations effectively serving Show Low and the surrounding area. The proposed Class C FM assignment would provide a first and second service to a vast and predominantly rural area which is not covered by the Class A facility. Petitioner asserts that the compelling need for a Class C channel amply justifies the proposed Show Low "intermixture" of Class C and A channels, notwithstanding the Commission's general disapproval of such intermixture. Petitioner cites the Class C allocation made at *Ellsworth, Maine* (5 R.R. 2d 1540 (1965)) and at *Anadarko, Oklahoma* (45 R.R. 2d 1575 (1979)), as examples in which the Commission allocated a wide coverage Class C channel to a community such as Show Low.

5. *Preclusion Considerations:* The preclusion study shows that the assignment of Channel 243 to Show Low will affect Channels 240A through 245 in all or parts of the following *counties: Arizona:* Coconico, Gila, Navajo, Apache, Graham and Greenlee; *New Mexico:* Carton, Hidalgo, Grant, Valencia and McKinley.

6. Although it has been the general Commission policy to assign Class C channels only to communities of over 10,000 persons, exceptions have been made when the assignment would result in a large first or second FM service [3] or when the assignment of a Class C channel would enable a large rural area to be served. Additionally, since there are few large cities in the coverage area, two channels would be appropriate to provide FM service to the area and insure the opportunity for residents to have a choice of FM service. While a *Roanoke Rapids/Anamosa* showing was not submitted, it appears the assignment will provide a first FM service to quite a large area.

7. Because the assignment of one Class C channel would fail to promote the desirable competitive balance we seek to achieve in our policy against intermixture of classes in the same community, we are proposing a second Class C assignment as a substitute for the existing Class A station to avoid intermixture. See *Mitchell, S.D.*, 62 F.C.C. 2d 70 (1976) and *Lake Havasu City, Arizona*, BC docket No. 80–293, 45 FR 42725, published June 25, 1980.

8. Since Station KVWM could be affected if we were to follow the *Mitchell* precedent, it must be given an opportunity to indicate whether it consents to or is opposed to the proposed change of its channel assignment and the attached *Order to Show Cause* is adopted for that purpose. Its general comments on the appropriateness of the proposal are invited.

9. As for reimbursement, it has been Commission policy to require the new party benefitting from a new assignment, *i.e.*, the ultimate licensee of the new station, to reimburse the existing Class A licensee for the change in frequency only. The costs of upgrading to the Class C facility would not be reimbursable. See *Mitchell, S. D., supra, Gillette, Wyo.*, Docket No. 21119, 42 Fed. Reg. 47557 (1977). In view of this discussion, petitioner or another interested party should comment on its willingness to provide reimbursement to Station KVWM–FM. Finally, if another interest in a Class C channel is stated, then Channels 266, 270, 271 and 286 would be available for application, thus no interested party would be foreclosed by this procedure.

10. Accordingly, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, with regard to the community below, as follows:

City and Channel No.

Show Low, Ariz.; Present: 228A; Proposed: 243,266.

11. It is ordered, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the licensee of Station KVWM–FM, Show Low, Arizona, Peak Broadcasting Co., shall show cause why its license should not be modified to specify operation on Channel 266, if the Commission determines that the public interest would be served by adopting the proposed assignments.

12. Pursuant to § 1.87 of the Commission's rules and regulations, the licensee of Station KVWM–FM, Show Low, Arizona, may, not later than November 7, 1980, request that a hearing be held on the proposed modification. Pursuant to § 1.87(f), if the right to request a hearing is waived, KVWM–FM may, not later than November 7, 1980, file a written statement showing with particularity why its license should not be modified as proposed in the *Order to Show Cause*. In this case, the Commission may call on Station KVWM–FM to furnish additional information, designate the matter for hearing, or issue, without further proceedings, an Order modifying the license as provided in the *Order to Show Cause*. If the right to a hearing is waived and no written statement is filed by the date referred to above, Station KVWM–FM will be deemed to consent to modification as proposed in the *Order to Show Cause* and a final Order will be issued by the Commission, if the channel changes mentioned above are found to be in the public interest.

12. *Authority:* The Commission's Authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

14. *Comments and Replies:* Interested persons and parties may file comments on or before November 7, 1980, and reply comments on or before November 28, 1980.

15. If is further ordered, That the Secretary of the Commission shall send a copy of this *Order* by certified mail, return receipt required, to Peak Broadcasting Company, P.O. Box 660, Show Low, Arizona 85901, the party to whom the *Order to Show Cause* is directed.

16. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632–9660. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at

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[1] Public Notice of the petition was given on February 1, 1980, Report No. 1211.

[2] Population figures are taken from the 1970 U.S. Census, unless otherwise specified.

[3] *Lyons, Kansas*, 42 F.C.C. 2d 215, 216 (1973); *Lexington, Missouri*, 53 F.C.C. 2d 893 (1975).

the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division Broadcast Bureau.

Appendix

[BC Docket No. 80-478 RM-3563]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public insepection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 80-28762 Filed 9-16-80; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. MC-127]

Special Procedures Governing Return Hauls Applications for Motor Carrier Authority Complementary to Movements of Exempt Agricultural Commodities

AGENCY: Interstate Commerce Commission.

ACTION: Notice of discontinuance of rulemaking proceeding.

SUMMARY: The purpose of this notice is to advise the public that the relief sought in this proceeding is proscribed by Section 5 of the Motor Carrier Act of 1980, and the proceeding will, therefore, be discontinued. The United Fresh Fruit and Vegetable Association filed a petition seeking the opening of a rulemaking proceeding to establish special procedures to permit owner-operators and small motor carriers who haul exempt agricultural commodities to obtain summary grants of authority to haul regulated commodities on the return portion of their movements. The Commission published notice of the filing of a petition to open a rulemaking proceeding at 44 FR 48304, August 17, 1979, and invited the public to comment on all aspects of the petition, and rules. Petitioner has, in effect, requested the Commission to make a prospective general finding that the public convenience and necessity require granting all eligible exempt haulers nationwide general commodities authority for backhaul movements. Such a finding is proscribed by Section 5 of the new Act. Accordingly, Ex Parte No. MC-127 will be discontinued. The comments filed with the Commission in that proceeding will be made part of the record in Ex Parte No. MC-143, *Owner-Operator Food Transportation,* published in the **Federal Register** of September 16, 1980 which will implement the provisions of the new Act concerning the licensing of qualified owner-operators to transport specified regulated commodities.

FOR FURTHER INFORMATION CONTACT: Howell I. Sporn, (202) 275-7575, or Edward E. Guthrie, (202) 275-7691.

SUPPLEMENTARY INFORMATION: By petition filed May 17, 1979, the United Fresh Fruit and Vegetable Association, a nationwide trade association composed of all factors in the fresh fruit and vegetable industry, seeks the institution of a rulemaking proceeding to adopt special standards and procedures governing applications for operating authority for carriers and owner-operators whose primary business is the transportation of exempt agricultural commodities.

The proposed rules would allow for summary grants of irregular-route general commodities authority (with specified exceptions) for backhaul movements as an incident to the hauling of exempt commodities on the headhaul. The petition contains proposed rules which would (1) limit eligibility for the authority to carriers and owner-operators who can show that at least 50 percent of the annual tonnage they transport consists of exempt agricultural commodities, and (2) establish standards requiring that the regulated commodities be picked up within seven days of the delivery of the exempt commodities, with no other transportation taking place in between, and that they be picked up from a point within 150 miles of the point where the exempt commodities are delivered.

Petitioner is interested in having a sufficient volume of efficient and economical motor carrier service available for its member companies. It argues that many small carriers and owner-operators specializing in the transportation of exempt commodities have experienced large numbers of empty miles due to their inability to transport regulated commodities on the return movement, and that the cost of operating motor carrier equipment has escalated in recent years. United fears that, unless action be taken to reduce empty mileage, the scarcity of fuel and increased operating costs will force a large number of small carriers and owner-operators out of business, leaving its member companies with a shortage of available motor carrier service.

In response to the **Federal Register** notice of petitioner's proposal, numerous comments have been filed with the Commission. The proceeding has been held in abeyance pending legislative developments in the Congress, which culminated in the enactment of the Motor Carrier Act of 1980, Pub. L. 96-296, 94 Stat. 793.

To grant petitioner the relief it ultimately seeks, the Commission would have to make a prospective general finding that the public convenience and necessity require granting all eligible exempt haulers nationwide general commodities authority for backhaul movements. Such a finding is proscribed by Section 5 of the new legislation which adds a new subsection (b) to 49 U.S.C. 10922 providing as follows:

> (b)(3) The Commission may not make a finding relating to public convenience and necessity under paragraph (1) of this subsection which is based upon general findings developed in rulemaking proceedings.

Moreover, the Congress has provided relief for independent owner-operators and small carriers in the new Act. Sections 5(a)(3) and 10(a)(2) of the new legislation, which amend respectively 49 U.S.C. 10922 and 10923(b), will allow owner-operators to obtain operating authority from the Commission to transport "food and other edible products (including byproducts but excluding alcoholic beverages and drugs) intended for human consumption, agricultural limestone and other soil conditioners, and agricultural fertilizer," through a fitness related application procedure. The transportation of the described commodities by owner-operators can equal up to 50 percent of an owner-operator's annual tonnage transported. The purpose of the provisions is to allow owner-operators who haul exempt agricultural commodities to transport an equal amount of processed foods and other commodities with a minimum of Federal regulation. Report of the House Committee on Public Works and Transportation on H.R. 6418, as amended, June 3, 1980, p. 16.

The Commission has instituted Ex Parte No. MC-143, *Owner-Operator Food Transportation*, Published in the **Federal Register** of September 16, 1980 to implement the licensing of qualified owner-operators seeking authority under the new provisions. The comments received in Ex Parte No. MC-127 will be made a part of the record in Ex Parte No. MC-143, and used in developing final regulations in the area of owner-operator regulated transportation.

Small motor carriers should have ample opportunity to expand or rationalize their operations through the liberalized entry provisions in new section 49 U.S.C. 10922(b)(1), and the restrictions removal program being formulated in Ex Parte No. MC-142 (Sub—No. 1), *Removal of Restrictions from Authorities of Motor Carriers of Property*, published in the **Federal Register** of September 16, 1980, which will implement Section 6 of the new Act. Section 6 requires the Commission within 180 days after the enactment of the new legislation to implement, by regulation, procedures to process applications seeking to remove restrictions, which includes obtaining round-trip authority in lieu of existing one-way authority, or to broaden unduly narrow authorizations in outstanding certificates and permits.

We appreciate the time and effort spent by the numerous parties which participated in Ex Parte No. MC-127 by filing comments on petitioner's proposal. We will make those comments part of the record in Ex Parte No. MC-143. We encourage those parties to participate further in that proceeding and to participate in the development of final rules in the restrictions removal area in Ex Parte No. MC—142 (Sub-No. 1).

(49 U.S.C. 10321)

Decided: September 8, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, Alexis and Gilliam. Commissioner Stafford not participating. Commissioner Alexis absent and not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-28695 Filed 9-16-80; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Parts 1041 and 1136

[Ex Parte Nos. MC-131-MC-132, MC-136, and MC-139]

Motor Carriers, Special Limited Authority; Intermediate Point Restrictions; Direct Routes for Regular Route Movements; and Removal of Mechanical Refrigeration Restrictions

AGENCY: Interstate Commerce Commission.

ACTION: Notice of discontinuance of rulemaking proceedings.

SUMMARY: The purpose of this notice is to advise the public that these rulemaking proceedings have been superseded by Ex Parte No. MC-142, *Elimination of Gateway Restrictions and Circuitous Route Limitations*, and Ex Parte No. MC-142 (Sub-No. 1), *Removal of Restrictions from Authorities of Motor Carriers of Property*, both served and published in the **Federal Register** on September 16, 1980, and will, therefore, be discontinued. Those two rulemaking proceedings will implement Section 6 of the Motor Carrier Act of 1980, which amends 49 U.S.C. 10922, and requires the Commission within 180 days after the enactment of the new legislation (1) to eliminate gateway restrictions and circuitous route limitations on the operations of motor carriers of property, and (2) to implement, by regulation, procedures to process applications seeking to remove unreasonable restrictions or to broaden unduly narrow authorizations in outstanding certificates and permits. All four proceedings which will be discontinued have been noticed in the **Federal Register** and public comments have been filed with the Commission. We intend to incorporate the records in these proceedings in Ex Parte Nos. MC-142 and MC-142 (Sub-No. 1) for consideration in developing final regulations in the restrictions removal area.

FOR FURTHER INFORMATION CONTACT: Howell I. Sporn, (202) 275-7575, or Edward E. Guthrie, (202) 275-7691.

SUPPLEMENTARY INFORMATION: The Congress has enacted comprehensive legislation in the Motor Carrier Act of 1980 concerning the removal of restrictions which are contained in motor carriers' certificates and permits. In Section 6 of the new Act, Congress concluded that many of these restrictions serve little or no useful purpose, and are in fact fuel wasteful, inefficient, or contrary to the public interest. The Commission has in the recent past reached the same conclusion, and we have instituted rulemaking proceedings to consider eliminating certain restrictions from outstanding certificates and permits. Section 6 of the new legislation preempts the Commission's proposed actions, and our purpose here is to discontinue four of those proceedings. The following is a brief description of these proceedings:

(1) In Ex Parte No. MC-131, *Special Limited Authority*, 45 FR 2871 (January 15, 1980), the Commission instituted a rulemaking proceeding to establish rules to be added as Part 1136 which would enable a carrier holding one-way operating authority to receive authority to transport return loads moving within the scope of the carrier's authority and territorial authority and restrictions, through a summary grant procedure. The proceeding also proposed allowing any carrier now holding authority to transport regulated commodities to receive authority to transport agricultural commodities in mixed loads, through the same summary grant procedure. The new Act amends 49 U.S.C. 10526(a)(6) specifically to authorize motor carriers to transport in the same vehicle mixed loads of regulated and exempt commodities. It also makes clear that mixing does not affect the status of the vehicle, the

unregulated status of the exempt commodities, or the regulated status of the property being transported under a certificate or permit.

(2) In Ex Parte No. MC-132, *Intermediate Point Restrictions,* 44 FR 71438 (December 11, 1979), the Commission instituted a rulemaking proceeding to consider establishing a rule to be added in Part 1041 of construction permitting regular-route carriers of property to serve all intermediate points on their regular routes.

(3) In Ex Parte No. MC-136, *Direct Routes for Regular Route Movements,* 45 FR 19280 (March 25, 1980), the Commission proposed adopting a rule to be added in Part 1041 of construction which would permit regular-route carriers of property to operate vehicles over the most direct routes between terminal points in their system.

(4) In Ex Parte No. MC-139, *Removal of Mechanical Refrigeration Restrictions,* 45 FR 25419 (April 15, 1980), the Commission instituted a rulemaking proceeding to consider adoption of a rule to be added as Section 1041.25 which would delete from all existing certificates and permits restrictions limiting transportation services to that provided in "vehicles equipped with mechanical refrigeration."

Section 6 of the new Act added a new subsection (h) to 49 U.S.C. 10922 which, as pertinent, provides as follows:

> (h)(1) Not later than 180 days after the date of enactment of this subsection, the Commission shall—
>
> (A) eliminate gateway restrictions and circuitous route limitations imposed upon motor carriers of property; and
>
> (B) implement, by regulation, procedures to process expeditiously applications of individual motor carriers of property seeking removal of operating restrictions in order to—
>
> (i) reasonably broaden the categories of property authorized by the carrier's certificate or permit;
>
> (ii) authorize transportation or service to intermediate points on the carrier's routes;
>
> (iii) provide round-trip authority where only one-way authority exists;
>
> (iv) eliminate unreasonable or excessively narrow territorial limitations; or
>
> (v) eliminate any other unreasonable restriction that the Commission deems to be wasteful of fuel, inefficient, or contrary to the public interest.

The Commission has instituted two rulemaking proceedings to implement Section 6 of the new legislation. The Commission has proposed rules in Ex Parte No. MC-142, *Elimination of Gateway Restrictions and Circuitous Route Limitations,* served and published in the **Federal Register** on September 16, 1980, which would allow a property carrier which can lawfully provide through service by joining together separate grants of operating authority to perform that service over any available route. That proceeding will fulfill our mandate in 49 U.S.C. 10922(h)(1)(A), and will preempt the concept under consideration in Ex Parte No. MC-136, *Direct Routes for Regular Route Movements.* In the second proceeding, the Commission has proposed rules in Ex Parte No. MC-142 (Sub-No. 1), *Removal of Restrictions from Authorities of Motor Carriers of Property,* which would establish expedited procedures for the filing of applications to eliminate restrictions or to broaden unduly narrow authorizations as required by 49 U.S.C. 10922(h)(1)(B). This proceeding preempts the proposals under consideration in Ex Parte No. MC-131, *Special Limited Authority;* Ex Parte No. MC-132, *Intermediate Point Restrictions;* and Ex Parte No. MC-139, *Removal of Mechanical Refrigeration Restrictions.*

We will consider the records in the proceedings which are being discontinued to be part of the record in Ex Parte No. MC-142 and Ex Parte No. MC-142 (Sub-No. 1), and will use them in developing final regulations.

We appreciate the time and effort spent by the numerous parties which have submitted comments in the four discontinued rulemaking proceedings. We encourage those parties to participate further in the two implementation rulemaking proceedings.

Accordingly, the rulemakings to add Part 1136, and 3 sections to Part 1041 are discontinued.

(49 U.S.C. 10321)

Decided: August 8, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, Alexis, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-28896 Filed 9-16-80; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 45, No. 182
Wednesday, September 17, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ACTION

Privacy Act of 1974; Amendment to Systems of Records

AGENCY: ACTION.

ACTION: Amendment to annual publication of Systems of Records.

SUMMARY: The purpose of this notice is to amend ACTION's systems of records to reflect the nondisclosure of data submitted in confidence to the agency which might reveal the identity of a confidential source.

COMMENTS: Written comments must be received in the contact office listed below no later than October 17, 1980.

FOR FURTHER INFORMATION CONTACT: James B. Lancaster, Jr., Assistant Director for Administration and Finance, ACTION, 806 Connecticut Avenue, N.W., Room M-200, Washington, D.C. 20525. Phone number 202-254-3172.

SUPPLEMENTARY INFORMATION: Section (k)(5) of the Privacy Act provides that information contained in a Privacy Act systems of records may be exempt from disclosure if its release would reveal the identity of an individual who furnished information to the government with a promise of confidentiality.

On October 5, 1977, ACTION published a final adoption notice, implementing Privacy Act regulations, in the **Federal Register**, Volume 42, beginning at page 54287. Section 1224.1-14 Specific Exemptions, paragraph (d) states that . . . "Investigatory material compiled solely for the purpose of determining suitability, eligibility or qualification for service as an employee or volunteer or for the obtaining of a Federal contract or for access to classified information: provided, however, that such materials shall be disclosed to the extent possible without revealing the identity of a source who furnished information to the government under an express promise of the confidentiality of his identity or, prior to the effective date of the Privacy Act of 1974, under an implied promise of such confidentiality of identity."

ACTION's first and subsequent notices of the agency's Privacy Act systems of records did not include a statement regarding the exemption of disclosure of material that could reveal the identity of a source who furnished information to the agency under a promise or implied promise of confidentiality.

This notice amends ACTION's Annual Publication of Systems of Records published in the **Federal Register**, Volume 44, on September 26, 1979, beginning at page 55490. Under the heading of "Statement of General Routine Uses" the section regarding the "Exemption of Disclosure" is amended by adding the following paragraph:

—Nondislosure of information furnished to the agency with a promise or implied promise of confidentiality—Certain systems of records maintained by the Agency contain information furnished with a promise or implied promise of confidentiality as to the individual's identity. Such information is exempted as authorized by 5 U.S.C. 552a(k)(5). The information is investigatory material compiled solely for the purpose of determining suitability, eligibility or qualification for service as an employee or volunteer or for the obtaining of a Federal contract or for access to classified information. Such material shall be disclosed to the extent possible without revealing the identity of a source who furnished information to the government under an express promise of confidentiality of identity or, prior to the effective date of the Privacy Act of 1974, under an implied promise of such confidentiality of identity.

The following systems may contain information furnished with a promise or implied promise of confidentiality:

ACTION Staff Applicant and Employee Records
ACTION Volunteer Applicant and Service Records.
Domestic and International Volunteer Security Files
ACTION Talent Bank
Discrimination Complaint File
Domestic Volunteer Appeal File
Personal Service Contracts Records
Legal Files Staff and Applicants
Contractors and Consultants Records File

This notice is issued in Washington, D.C. on September 12, 1980.

Robert S. Currie,
Executive Officer.

[FR Doc. 80-28705 Filed 9-16-80, 8:45 am]

BILLING CODE 6050-01-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Music Panel (Jazz Section); Meeting

Pursuant to Section 10 (a) (2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Music Panel (Jazz Section) to the National Council on the Arts will be held on September 29 through October 1, 1980 from 9:00 a.m.—5:30 p.m. in Room 1422 Columbia Plaza Office Complex 2401 E Street, N.W., Washington, D.C. 20506.

A portion of this meeting will be open to the public on September 29, 1980 from 9:00 a.m.—5:30 p.m., and on September 30, 1980 from 9:00 a.m.—1:00 p.m. for the discussion of Policy and Guidelines.

The remaining sessions of this meeting on September 30, 1980 from 1:00 p.m.—5:30 p.m. and on October 1, 1980 from 9:00 a.m.—5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title, 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,
Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 80-28655 Filed 9-16-80; 8:45 am]

BILLING CODE 7537-01-M

CIVIL AERONAUTICS BOARD

[Docket 34141]

Application of Trans-Panama, S.A.; Amended Notice of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding now assigned to be held on October 7, 1980 (45 FR 55250, August 19, 1980) is hereby postponed to October 14, 1980 at 9:30 a.m. (local time) in Room 1003, Hearing Room B, Universal Building North, 1875 Connecticut Avenue, N.W., Washington, D.C.

Dated at Washington, D.C., September 12, 1980.

Elias C. Rodriguez,

Administrative Law Judge.

[FR Doc. 80-28726 Filed 9-16-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 37937]

United States-London Case (1981); Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on Tuesday, October 7, 1980, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Each party which wishes to participate in the oral argument shall so advise The Secretary, in writing, on or before Friday, September 26, 1980, together with the name of the person who will represent it at the argument.

Dated at Washington, D.C., September 11, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-28725 Filed 9-16-80; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Alaska Advisory Committee; Rescheduled Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a news conference scheduled to be held at 10:00 a.m., on September 22, 1980, at the Federal Building, 709 W. 9th Street, Room 949, Juneau, Alaska (FR Doc. 80-27027 on page 58637) has been changed.

The meeting now will begin at 12:00 p.m., and will end at 1:30 p.m.

Dated at Washington, D.C., September 12, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-28691 Filed 9-16-80; 8:45 am]

BILLING CODE 6335-01-M

Indiana Advisory Committee; Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Indiana Advisory Committee to the Commission will convene at 1:30 p.m., and will end at 4:00 p.m., on October 14, 1980, at Prisoner and Community Together, Inc., 901 Washington Street, Michigan City, Indiana 46360. The purpose of the meeting is for The Housing Subcommittee to review the proposed Housing Study Draft on Muncie, Terre Haute and Lake & Porter County, Indiana, and to discuss new business.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Harriette B. Cohn, 501 State Office Building, Indianapolis, Indiana 46204, (317) 633-6723, or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604, (312) 353-7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 12, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-28693 Filed 9-16-80; 8:45 am]

BILLING CODE 6335-01-M

Minnesota Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Minnesota Advisory Committee to the Commission will convene at 7:00 pm and will end at 9:00 pm, on September 26, 1980, at Duluth Radison Hotel, Explorer Room, 505 W. Superior, Duluth, Minnesota 55802.

The purpose of this meeting is to discuss Duluth desegregation problems, and review of the first draft of the Twin Cities police report.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mrs. Lupe Lopez, 509 Sibley, St. Paul, MN 55101, 612/227-8954, or the Midwestern Regional Office, 230 Dearborn St., 32nd Floor, Chicago, Illinois 60604, 312/353-7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 12, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-28701 Filed 9-16-80; 8:45 am]

BILLING CODE 6335-01-M

New York Advisory Committee; Changed Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a meeting of the New York Advisory Committee of the Commission originally scheduled to be held at the Old Mill Inn, 38-45 Veterans Memorial Highway, Hauppauge, Long Island, New York, on September 26, 1980 (FR Doc. 80-25774 on page 56378) has been changed.

The meeting now will be held at Suffolk County Executive Office, H. Lee Dennison Building, Veterans Memorial Highway, Hauppauge, Long Island, New York.

Dated at Washington, D.C., September 12, 1980.

Thomas L. Neumann,

Advisory Committee Management Officer.

[FR Doc. 80-28692 Filed 9-16-80; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Asphalt Roofing Shingles From Canada; Initiation of Antidumping Investigation

AGENCY: United States Department of Commerce.

ACTION: Initiation of antidumping investigation.

SUMMARY: This notice is to advise the public that, on the basis of a petition filed in proper form, the Department of Commerce is initiating an antidumping investigation to determine whether asphalt roofing shingles from Canada are being, or are likely to be, sold at less than fair value. Sales at less than fair value generally occur when the prices of the merchandise sold for exportation to the United States are either less than the prices of such or similar merchandise sold for consumption in the manufacturer's or exporter's home market or to countries other than the United States, or less than the constructed value. The Department of Commerce is notifying the International Trade Commission of this action so that

the Commission may make a determination no later than October 6, 1980, whether there is a reasonable indication of material injury by reason of imports of this merchandise.

EFFECTIVE DATE: September 17, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Roland L. MacDonald, Jr., Program Analyst, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230, (202) 377-4087.

SUPPLEMENTARY INFORMATION: On August 21, 1980, the Department of Commerce (Department) received a petition that complies with the requirements of §§ 353.36 and 353.37 of the Commerce Regulations (19 CFR 353.36 and 353.37). The petition was filed by counsel to the Asphalt Roofing Manufacturers Association on behalf of nineteen companies producing asphalt roofing shingles for sale in the northern region of the United States. The petition alleges that asphalt roofing shingles from Canada are being, or are likely to be, sold at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (93 Stat. 162, 19 U.S.C. 1673) ("the Act") and that these sales cause and/or threaten to cause material injury to the U.S. industry. Also, petition alleged home market sale at less than cost of production within the meaning of section 773(b) of the Act (93 Stat. 183, 19 U.S.C. 1677(b)). Subsequently, petitioner withdrew the cost of production allegation. The merchandise covered by this investigation is certain asphalt roofing shingles, provided for in items 256.90 and 523.91 of the Tariff Schedules of the United States.

The petition includes sufficient evidence supporting both the allegations of material injury and of sales at less than fair value on the basis of comparisons between prices during the first and second quarter of 1980 in the home market and in the U.S. market.

The petition indicates increased volumes of aggregate imports and demonstrates either actual or potential decline in output, sales, market share, profits, productivity, and return on investments on the part of the U.S. industry.

In accordance with section 732(c) of the Act (93 Stat. 162, 19 U.S.C. 1673a(c)), I hereby determine that the Department will initiate an investigation to determine whether imports of asphalt roofing shingles from Canada are being, or are likely to be, sold at less than fair value.

Pursuant to section 732(d) of the Act (93 Stat. 163, 19 U.S.C. 1673a(d)) the Department is notifying the U.S. International Trade Commission (ITC) and providing it with a copy of the information on which I based this determination to initiate an investigation. The International Trade Administration will make available to the ITC all nonprivileged and nonconfidential information. It will also make available all privileged and confidential information in its files, provided the ITC confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Pursuant to section 733(a) of the Act (93 Stat. 163, 19 U.S.C. 1673b(a)), the ITC will determine, no later than October 6, 1980, whether there is a reasonable indication that an industry in the United States is materially injured, or threatened with material injury, by reason of imports of asphalt roofing shingles from Canada. If that determination is negative, this investigation will be deemed terminated, and the International Trade Administration will publish no further notice. Otherwise, the investigation will continue.

Section 733(b) of the Act (93 Stat. 163, 19 U.S.C. 1673b(b)) requires that, normally no later than 160 days after the date on which the petition was filed, the International Trade Administration make a preliminary determination whether there is a reasonable basis to believe or suspect that merchandise which is the subject of this investigation is being, or likely to be, sold at less than fair value. Therefore, unless the investigation is terminated or extended, the International Trade Administration will make a preliminary determination not later than January 28, 1981.

(Sec. 732 of the Act (93 Stat. 162, 19 U.S.C. 1673a) and 353.37(b) of the Commerce Regulations (19 CFR 353.37(b), 45 FR 8199)

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

September 11, 1980.

[FR Doc. 80-28622 Filed 9-16-80; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Gulf or Mexico Fishery Management Council; Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Gulf of Mexico Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet to review status reports on development of fishery management plans; consider foreign fishing applications, if any; and conduct other fishery management business.

DATES: The meetings, which are open to the public, will convene on Wednesday, October 8, and Thursday, October 9, 1980, at 8 a.m. On October 8, the meeting will adjourn at 5 p.m., and on October 9, adjourn at 12 noon.

ADDRESS: The meetings will take place at the Bay Point Resort, Panama City, Florida.

FOR FURTHER INFORMATION CONTACT: Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, Telephone: (813) 338-2815.

Dated: September 11, 1980.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 80-28757 Filed 9-16-80; 8:45 am]

BILLING CODE 3510-22-M

COMMODITY FUTURES TRADING COMMISSION

Publication of and Request for Comment on Proposed Rules Having Major Economic Significance; Amendments to the GNMA-CD, GNMA-CDR, U.S. Treasury Notes and U.S. Treasury Bonds Futures Contracts of the Chicago Board of Trade

The Commodity Futures Trading Commission, in accordance with section 5a(12) of the Commodity Exchange Act ("Act") 7 U.S.C. 7a(12) (1976), as amended by the Futures Trading Act of 1978, Pub. L. No. 95-405, § 12, 92 Stat. 871 (1978), has determined that the proposed amendments to regulations 1736.01, 1836.01, 2036.01, and 2236.01 of the Chicago Board of Trade concerning deliverable grade, are of major economic significance. These amendments could affect the value of outstanding contracts. The proposed amendments authorize the Financial Instruments Committee, with the approval of the Board, to exclude any new issue or to further limit outstanding issues from deliverable status for the U.S. Treasury Notes and U.S. Treasury Bonds contracts and, to exclude GNMA securities which do not conform to the standards of the particular contract or the market characteristics for GNMA securities which are otherwise of deliverable grade for the GNMA-CD and GNMA-CDR contracts.

The amendments to regulations 1736.01, 1836.01, 2036.01, and 2236.01

concerning acceptable deliverable grade for the GNMA-CD, GNMA-CDR, U.S. Treasury Notes and U.S. Treasury Bonds contracts are printed below showing deletions in brackets and additions italicized:

1736.01—Standards—The contract grade for delivery on futures contracts made under these regulations shall be Mortgage Backed Certificates guaranteed for the timely payment of principal and interest by the Government National Mortgage Association as described in the standard prospectus form HUD-1717 3/73, commonly known as Modified Pass-Through certificates and bearing a stated interest rate of 8%. Deliveries at their option, may deliver GNMA with stated interest rate other than 8%, provided that the GNMA delivered bear the same yield as the 8% GNMA when calculated at par and under the assumption of a 30 year mortgage with a 12 year life. Calculations on such deliveries shall be made as follows: The price at which the delivered GNMA yields the same as an 8% GNMA priced at par is found from yield tables. If the price falls between two quoted prices, the price should be interpolated linearly. The price arrived at is used as the denominator and 100 as the numerator of a ratio between the amount of GNMA to be delivered and the amount of 8% GNMA which should be delivered. Yields for any GNMA shall be determined in accordance with the yield tables provided in the standard prospectus form HUD-1717 3/73 and prepared by the Financial Publishing Co. of Boston, Mass. *In addition, the Financial Instruments Committee, with the approval of the Board, shall have the right to exclude any GNMA securities which do not conform to the standards of this chapter, or the market characteristics for GNMA securities which are otherwise of deliverable grade.*

For example, 8's at par yield 7.96%. When 9's are priced at 107½, they yield 7.94%. When 9's are priced at 107.0, they yield 8.00%. Therefore, interpolating linearly, 9's will yield 7.96% at 107.333. 100 107.333=.931677. Therefore, you can deliver $100,000×.931677=$93,167.70 of GNMA 9's in fulfillment of a futures contract. The foliowing table may be helpful:

Calculation Table

Ginnie Mae interest rate percent	Amount equivalent to $100,000 principal balance of Ginnie Mae 8's
6.50	$112,123,30
7.00	107,816.70
7.25	105,820.10
7.50	103,806.20
7.75	101,867.50
8.00	100,000.00
8.25	98,219.80
8.50	96,501.80
9.00	93.167.70

1836.01—Standards—The contract grade for delivery on futures contracts made under these regulations shall be long term U.S. Treasury bonds which if callable are not callable for at least 15 years or not callable have a maturity of at least 15 years. All bonds delivered against a contract must be of the same issue.

For settlement, the time to maturity (time to call if callable) of a given issue is calculated in complete three month increments (i.e. 15 years and 5 months=15 years and 1 quarter) from the first day of the delivery month. The price at which a bond with this time to maturity (time to call if callable) and with the same coupon rate as this issue will yield 8% according to bond tables prepared by the Financial Publishing Co. of Boston, Mass., is multiplied times the settlement price to arrive at the amount which the short invoices the long.

Interest accrued on the bonds shall be charged to the long by the short in accordance with Department of Treasury Circular 300, Subpart P.

New issues of long term U.S. Treasury bonds which satisfy the standards in this regulation shall be added to the deliverable grade as they are issued. *In addition,* the Financial Instruments Committee [or] *with the approval of* the Board, shall have the right to exclude any new issue from deliverable status or to further limit outstanding issues from deliverable status.

2036.01–Standards—(a) The contract grade for delivery on futures contracts made under these regulations shall be single-family Mortgage-Back Certificates guaranteed for the timely payment of principal and interest by the Government National Mortgage Association as described in the standard prospectus form HUD-1717, commonly known as Modified Pass-Through certificates (GNMA). Deliveries shall be priced on the basis of a designated coupon. Initially, the stated designated interest rate for all months shall be 8%. This rate may be changed at the discretion of the Board, should market conditions warrant. *In addition, the Financial Instruments Committee with the approval of Board, shall have the right to exclude any GNMA securities which do not conform to the standards of this Chapter, or the market characteristics for GNMA securities which are otherwise of deliverable grade.*

(b) Coupons which may be delivered against a futures contract in a given delivery month shall be designated as follows:

(1) Any coupon at or below the current production rate is deliverable. If the current production rate is lower than the previous production rate, then the previous production rate is also deliverable through the next three months following the month in which the production rate was lowered.

(2) The above is subject to the provision that no substitution of coupon is made for any delivery date until forty-five (45) days have transpired after the effective date of the rate change. That is, if the current production rate is changed, certificates bearing the new coupon rate are not deliverable on the Board of Trade futures contract until 45 days after the new coupon rate is in effect. The one exception to this rule will be the delivery of a new issue dated and issued after the date of record of the rate change and bearing the new rate.

(c) GNMAs delivered shall be adjusted as to price to provide for firm yield maintenance on the basis of the Exchange designated coupon interest rate when calculated at the settlement price on the last day of trading under the assumption of a 30-year mortgage prepaid in 12 years.

(Calculations on such deliveries shall be made as follows:

The price at which the delivered GNMA yields the same as an 8% GNMA is found in standard net yield tables for GNMA mortgage-backed securities as published by the Financial Publishing Company of Boston, Mass. If the yield and price fall between two quoted prices (i.e., and increment less than 1/32nd), the price should be interpolated linearly.)

2236.01—Standards—The contract grade for delivery on futures contracts made under these regulations shall be U.S. notes and non-callable U.S. bonds which have an actual maturity of not less than four years and not more than six years. All notes or bonds delivered against a contract must be of the same issue. For settlement, the time to maturity of a given issue is calculated in complete three month increments (i.e. 4 years and 5 months is taken to be 4 years and 1 quarter) from the first day of the delivery month. The price at which a note or bond with this time to maturity and with the same coupon rate as this issue will yield 8%, according to bond tables prepared by the Financial Publishing Co. of Boston, Mas., is multiplied by the settlement price to arrive at the amount which the short invoices the long.

Interest accrued on the notes shall be charged to the long by the short in accordance with Department of the Treasury Circular 300, Subpart P.

New issues of U.S. Treasury Notes and Bonds which satisfy the standards in this regulation shall be added to the deliverable grade as they are issued. *In addition,* the Financial Instruments Committee [or] *with the approval of* the Board, shall have the right to exclude any new issue from deliverable status or to further limit outstanding issues from deliverable status.

Any person interested in submitting written data, views, or arguments on these regulations should send comments by October 17, 1980 to Ms. Jane K. Stuckey, Secretariat, Commodity Futures Commission, 2033 K Street NW, Washington, D.C. on *September 11,* 1980.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 80-28634 Filed 9-16-80; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Scientific Advisory Board; Meeting

September 4, 1980.

The USAF Scientific Advisory Board will hold its Fall General Meeting on October 7 and 8, 1980 at the Institute for Defense Analyses, 400 Army-Navy Drive, Arlington, Virginia. The purpose of the meeting will be to receive classified briefings and hold classified discussions on the results of the Board's two summer studies on The Air Force in Space and The Long Range Combat Aircraft and to receive classified briefings on tactical munitions.

The meeting will be closed to the public in accordance with Title 5, U.S.C. 552b(c) specifically subparagraph (1) thereof.

For further information contact the SAB Secretariat at 697–4811.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 80-28653 Filed 9-16-80; 8:45 am]

BILLING CODE 3910-01-M

Corps of Engineers, Department of the Army

Intent To Prepare Three Draft Supplements to Final Environmental Impact Statement, Flood Control, Minnesota River, Minn., Mankato-North Mankato-Le Hillier; Proposed Alteration or Relocation of Bridges and Highway Approaches.

AGENCY: St. Paul District, U.S. Army Corps of Engineers.

ACTION: Revision of availability date for the three draft supplements to the final environmental impact statement (FEIS).

SUMMARY: The following revision applies to the Notices of Intent published in the Wednesday, January 30, 1980 (Vol. 45, No. 21, pp. 6828–6830), and the Wednesday, June 4, 1980 (Vol. 45, No. 109, p. 37717), issues of the Federal Register:

"We estimate that the three Draft Supplements to the FEIS will be available to the public by the first quarter of Fiscal Year 1981 (October through December 1980)."

Dated: September 5, 1980.

William W. Badger,

Colonel, Corps of Engineers District Engineer.

[FR Doc. 80-28654 Filed 9-16-80; 8:45 am]

BILLING CODE 3710-CY-M

DEPARTMENT OF EDUCATION

Asbestos Hazards School Safety Task Force; Meeting

AGENCY: The Asbestos Hazards School Safety Task Force.

ACTION: Notice of Meeting.

SUMMARY: The Acting Deputy Assistant Secretary, Office of Educational Support announces a meeting and proposed agenda of the Asbestos Hazards School Safety Task Force. Notice of this meeting is required by the Federal Advisory Committee Act. This notice also describes the functions of the task force.

DATE: The meeting will be held on September 29, 1980; 10:00 a.m. - 4:00 p.m.

ADDRESS: Federal Office Building #6, 400 Maryland Avenue, S.W., Room 2189, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Dr. Herman R. Goldberg, Acting Deputy Assistant Secretary, Office of Educational Support, Room 2079, FOB–6, 400 Maryland Avenue, S.W., Washington, D.C. 20202. (202) 245–8094.

SUPPLEMENTARY INFORMATION: The Asbestos Hazards School Safety Task Force was established under Section 3 of the Asbestos School Hazard Detection and Control Act of 1980, Pub. L. 96–270, (20 U.S.C. 3604, 3605). The task force was established to compile medical, scientific, and technical information on health and safety hazards associated with friable materials emitting asbestos fibers; to compile information the means of identifying, sampling and testing materials suspected of emitting asbestos fibers; to distribute compiled information to State and local education agencies; to review applications for grants and loans to assist in identifying and eliminating imminent hazards associated with friable asbestos building materials in school buildings and to make recommendations to the Secretary on these applications; and to review guidelines established by the Environmental Protection Agency and the Department of Education to implement this Act.

The meeting of the task force is open to the public. The meeting will be held from 10:00 a.m. to 4:00 p.m. on Thursday, September 29, 1980. The proposed agenda includes:

1. A review of Pub. L. 96–270.
2. A review of the notice of proposed rulemaking.
3. The basic responsibilities of the task force.
4. A discussion on ways to accomplish these responsibilities.

Records will be kept of all task force proceedings, and will be available for public inspection in the Office of Educational Support, Room 2079, 400 Maryland Avenue, S.W., Washington, D.C. 20202 between the hours of 8:00 a.m. and 4:30 p.m., week days except Federal holidays.

The Task Force is required by statute to meet within 30 days of appointment, which was September 8. Because the only meeting date which is compatible to the schedules of all task force members is September 29, 1980, this notice does not meet the requirement that the public receive 15 days advance notification.

Dated: September 11, 1980.

Herman R. Goldberg,

Acting Deputy Assistant Secretary.

[FR Doc. 80-28601 Filed 9-16-80; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Delay in Final Issuance of Energy Financial Assistance Solicitations

AGENCY: Department of Energy.

ACTION: Notice.

The Department of Energy has released two Draft solicitations for public comment as part of the interim Synthetics Fuels Program. (See 45 FR 57756, Friday, August 29, 1980.)

Based on public comment indicating a need for further study and a longer comment period on the Draft solicitations, the Department will delay issuance until later in September. DOE will continue to accept comments on the Drafts until September 19, 1980.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Resource Applications, Room 3500, Mail Station 3344, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, Attention: Alternative Fuels Task Force Office, (202) 633–8365.

Issued at Washington, D.C., on Friday, September 12, 1980.

Ruth M. Davis,

Assistant Secretary, Resource Applications.

[FR Doc. 80-28870 Filed 9-16-80; 8:45 am]

BILLING CODE 6450-01-M

Voluntary Agreement and Plan of Action to Implement the International Energy Program; Revised Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272), this revised notice is hereby provided that a meeting of Subcommittee A of the Industry Advisory Board (IBA) to the International Energy Agency (IEA) will be held on September 17 and 18, 1980, at the offices of the IEA, 2 rue Andre Pascal, Paris, France, beginning at 9:30 AM on September 17th. The purpose of this meeting is to permit attendance by representatives of Subcommittee A at a meeting of an IEA Standing Group on Emergency Questions (SEQ) *ad hoc* group on SEQ/Standing Group on the Oil Market (SOM) Data Requirements, which is being held at Paris on those dates.

The agenda for the meeting is under the control of the SEQ *ad hoc* group. It is expected that the following subjects pertaining to SEQ data requirements will be discussed (the group is to formulate recommendations where possible):

1. Current information requirements of the SEQ including the usefulness of Questionnaire B submissions without company detail, notably in the context of import monitoring and the identification of emerging supply problems of individual countries.

2. The statistical treatment of petrochemical naphtha and other petrochemical feedstocks.

3. Experience with the new Questionnaire B and Quarterly Oil Statistics (QOS) reporting instructions notably with respect to the more detailed reporting of stocks.

4. Experience with the monthly system of reporting in the QOS format.

5. Review of the timeliness, accuracy and usefulness of data collected on consumer stocks and stocks at sea.

6. Statistical treatment of hydrocarbons derived from tar sands, coal, upgrading with hydrogen benzole, etc., and other oil products of non-crude oil origin.

It is expected that the following subjects pertaining to SOM data requirements will be discussed (without immediate recommendations):

1. Accuracy of crude oil import price system.

2. Operation of the crude oil and product registers.

3. The financial reporting system.

4. The crude cost and price reporting systems including the problems of swaps.

5. The usefulness of the QOS and MOS systems to the SOM, notably in the context of stock monitoring.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, these meetings will not be open to the public.

Pursuant to section 252(c)(3) of the Energy Policy and Conservation Act, a verbatim transcripts of these meetings will be made; the transcripts, with such deletions as are determined to be necessary or appropriate pursuant to E.O. 12065 (43 FR 28949, July 3, 1978), E.O. 11932 (41 FR 32691, August 5, 1976) and 22 CFR 9a.1–9a.8, will be available in the Reading Room of the Department of Energy, Room 5B–180, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, between the hours of 8:00 AM and 4:00 PM weekdays, except Federal holidays.

As permitted by 10 CFR 209.32, the usual 7-day notice period has only recently been changed by the IEA, and such shortened notice is hereby approved.

Issued in Washington, D.C., September 12, 1980.

Thomas C. Newkirk,

Deputy General Counsel for Regulation.

[FR Doc. 80–28709 Filed 9–16–80; 8:45 am]

BILLING CODE 6450–01–M

Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangement; United States and Canada

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Canada Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval of Contract No. WC–CA–22 for the supply of 200 grams of depleted uranium to McMaster University, Canada. The material is to be used for scattering studies concerning the structure of metallic and ceramic materials.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: September 12, 1980.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80–28616 Filed 9–16–80; 8:45 am]

BILLING CODE 6450–01–M

Proposed Subsequent Arrangement; United States and International Atomic Energy Agency

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the International Atomic Energy Agency (IAEA), as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the sale of approximately 886 milligrams of thorium-232, 886 milligrams of uranium-238, and 886 milligrams of uranium enriched to greater than 93% in U-235, to be used for analysis for safeguards and burn-up problems. The material is to be shipped to the Resident Representative of the United Nations Development Program, La Paz, Bolivia.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material under Contract S–IA–107 will lnot be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: September 12, 1980.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 80–28617 Filed 9–16–80; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

Action Taken on Consent Orders

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on consent orders.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Office of Enforcement, ERA, and the firms listed below during the month of August 1980. The Consent Orders represent resolutions of outstanding compliance investigations or proceedings by the DOE and the firms which involve a sum of less than $500,000 in the aggregate, excluding penalties and interest. For Consent Orders involving sums of $500,000 or more, Notice will separately be published in the Federal Register. These Consent Orders are concerned exclusively with payment of the refunded amounts to injured parties for alleged overcharges made by the specified companies during the time periods indicated below through direct refunds or rollbacks of prices.

For further information regarding these Consent Orders, please contact Lon W. Smith, District Manager of Enforcement, U.S. Department of Energy, 333 Market St., San Francisco, CA 94105; telephone number (415) 764–7038.

Firm name and address	Refund amount	Product	Period covered	Recipients of refunds
Lawrence Oil Company	$11,660	Gasoline	August to October 1979	Independent Retailers, Consumers.

Issued in San Francisco, Calif., on the 9th day of September 1980.

Lon W. Smith,
District Manager, Office of Enforcement, Western District Economic Regulatory Administration.

[FR Doc. 80-28710 Filed 9-16-80; 8:45 am]

BILLING CODE 6450-01-M

Arcone Oil Co., Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and on potential claims against the refunds deposited in an escrow action established pursuant to the Consent Order.

DATES: Effective date: March 27, 1980.

COMMENTS BY: October 17, 1980.

ADDRESS: Send comments to: Herbert Maletz, New York Audit Group Manager, Northeast District, 252 Seventh Avenue, New York, New York 10001.

FOR FURTHER INFORMATION CONTACT: Herbert Maletz, New York Audit Group Manager, Northeast District, 252 Seventh Avenue, New York, New York 10001, (212) 620-6706.

SUPPLEMENTARY INFORMATION: On March 27, 1980, the Office of Enforcement of the ERA executed a Consent Order with Arcone Oil Co., Inc. Under 10 CFR § 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Arcone Oil Co., Inc. (Arcone), with its home offices located in Newark, New Jersey, is a firm engaged in the resale of No. 2 heating oil and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Arcone, the Office of Enforcement of the ERA, and Arcone entered into a Consent Order, the significant terms of which are as follows:

1. During the period November 1, 1973 through May 31, 1974 (audit period), Arcone allegedly overcharged its reseller classes of purchaser in the resale of No. 2 heating oil.
2. It is alleged that Arcone incorrectly computed its maximum legal selling price in its sales of No. 2 heating oil to the classes of purchaser listed above during the audit period. As a result, Arcone charged prices in excess of those permitted under 10 CFR 212.93(a) and 6 CFR 150.359(c)(1).
3. This Consent Order constitutes neither an admission by Arcone that it has violated the Mandatory Petroleum Price Regulations nor a finding by ERA that Arcone has violated such regulations.
4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Arcone agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $200,000.

In order to accomplish the refund of overcharges, Arcone will issue, during the refund period, certified checks made payable to the United States Department of Energy and delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the Arcone refund amount in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as highter prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR § 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the Arcone refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the Arcone refund amounts should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notificaiton to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to this refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent order.

You should send your comments or written notification of a claim to Herbert Maletz, New York Audit Group Manager, Northeast District, 252 Seventh Avenue, New York, New York 10001. You may obtain a free copy of this Consent Order by writing to the same address or by calling (212) 620-6706.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Arcone Oil Co., Inc., Consent Order". We will consider all comments we receive by 4:30 p.m., local time, on . You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in New York, New York on the 9th day of May 1980.

Edward Momorella,

Northeast District Manager of Enforcement.

[FR Doc. 80-28707 Filed 9-16-80; 8:45 am]

BILLING CODE 6450-01-M

[ERA.Case No. 54169-9179-01, 02, 03, 04-81]

Department of Defense (DOD), Griffiss Air Force Base, Rome, N.Y.; Notice and Issuance of Proposed Prohibition Orders Pursuant to Sections 302 and 701 of the Powerplant and Industrial Fuel Use Act of 1978

The Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice, pursuant to Section 701(b) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), 42 U.S.C. 8301 *et seq.*, and 10 CFR 506.2 *et seq.* (interim rule), promulgated thereunder, of the issuance of the following proposed prohibition orders which would prohibit the installations named below from burning natural gas or petroleum as their primary energy source. ERA has also adopted a final rule, 45 FR 53682 (August 12, 1980) to become effective October 14, 1980, which may be consulted in connection with applicable provisions of the interim rule.

Proposed Prohibition Orders

Section 403(a)(1) of FUA provides that a Federal agency operating an installation must comply with FUA provisions to the same extent as would be the case if the installation was owned or operated by a person in the private sector.

Pursuant to the authorities granted by Section 302(a) of FUA, ERA issues these proposed prohibition orders to the following installations owned by the United States Department of Defense (DOD-Air Force):

ERA No.	Facility	Installation	Size	Location
54169-9179-01-81	Griffiss AFB Central Heat Plant.	Unit 1	125 MMBtu/hr	Rome, NY.
54169-9179-02-81	do	Unit 2	125 MMBtu/hr	Rome, NY.
54169-9179-03-81	do	Unit 3	125 MMBtu/hr	Rome, NY.
54169-9179-04-81	do	Unit 4	125 MMBtu/hr	Rome, NY.

Note.—These installations will be referred to hereafter as Units 1, 2, 3, and 4.

Statement of Basis and Rationale for Proposed Prohibition Orders

ERA has issued interim rules applicable to existing facilities, 10 CFR Part 506 to implement the prohibitions contained in Section 302(a) of Title III of FUA. Section 506.2 of the interim rule sets forth the basis upon which ERA will propose to prohibit by order the use of natural gas or petroleum as a primary energy source by an installation where ERA finds that the installation has or previously had the technical capability to use an alternate fuel as a primary energy source.

According to the most recent fuel use statistics available to ERA, ERA estimates that Units 1, 2, 3, and 4 consumed an average of approximately 387 barrels of oil per day (141,400 barrels annually). Therefore, ERA anticipates that approximately this quantity will be displaced by the conversion of Units 1, 2, 3, and 4 to coal or another alternate fuel as their primary energy source.

Finding of Technical Capability

In accordance with Section 302(a) of Title III of FUA, these proposed orders are based on a finding by ERA that Units 1, 2, 3, and 4 have or previously had the technical capability to use an alternate fuel (coal) as a primary energy source. This finding is based upon DD Form 1391, dated December 10, 1979, provided by DOD-Air Force. This document refers to the installations as having been converted from coal use (page 1, paragraph 11), and further refers to a previous pulverized coal-firing capability (page 2, paragraph 3).

The technical capability finding is made in accordance with the requirements of Section 506.2 of the interim rule, taking into consideration the ability of the installations, from the point of fuel intake, to physically sustain combustion of coal and maintain heat transfer as evidenced by the previous burning of coal at Units 1, 2, 3, and 4. This finding also recognizes, in accordance with Section 506.2, that Units 1, 2, 3, and 4 are capable of burning coal, notwithstanding the fact that adjustments may need to be made before the units may burn an alternate fuel (coal) as their primary energy source, or that pollution control equipment may be required to meet air quality requirements.

Other Required Findings

Section 302(a) of FUA requires that prior to the issuance of final prohibition orders, ERA must also find that (1) the installations have the technical capability to use coal or another alternate fuel as a primary energy source, or they could have such capability without (A) substantial physical modification of the installations of (B) substantial reduction in the rated capacity of the installations; and (2) it is financially feasible for Griffiss AFB Central Heat Plant to use coal or another alternate fuel as the primary energy source in Units 1, 2, 3, and 4.

Proposed Prohibitions Under Title III of FUA

Subject to the other required findings that ERA must make, ERA hereby proposes to prohibit Units 1, 2, 3, and 4 from burning petroleum or natural gas as their primary energy source.

Description of Prohibition Order Proceedings

Pursuant to Section 302 of FUA, ERA has promulgated regulations applicable to the issuance of prohibition orders to existing facilities, a summary of which follows:

(1) ERA has performed its initial information gathering with respect to the question of technical capability to burn alternate fuels (coal) and has informed DOD-Air Force that it is considering issuance of proposed prohibition orders to Units 1, 2, 3, and 4. ERA has also had informal discussions with DOD-Air Force concerning the issuance of the proposed prohibition orders.

(2) ERA has made a finding that Units 1, 2, 3, and 4 have or previously had the technical capability of using coal as their primary energy source. In accordance with Section 301(b) of FUA, a proposed prohibition order is not required to contain, at this point in the proceeding, the other pertinent findings that ERA must make before a final prohibition order can be issued. These are: (1) that the installations have the technical capability to use coal or another alternate fuel as their primary energy source, or they could have such capability without (A) substantial physical modification of the installations, or (B) substantial reduction in the rated capacity of the installations; and (2) that it is financially feasible for Central Heat Plant to use coal or another alternate fuel as the primary energy source in Units 1, 2, 3, and 4.

(3) In accordance with § 501.52(b)(3) of the interim rule, a public comment

period of at least three months is to commence after publication of proposed prohibition orders, during which period DOD-Air Force will be given an opportunity to challenge ERA's initial finding of technical capability contained in these proposed prohibition orders. During this three month comment period, DOD-Air Force is required to furnish ERA with such additional evidence as is necessary to enable ERA to make the other statutory findings, set forth above, which are required to be made by ERA prior to issuance of final prohibition orders. The DOD-Air Force will also be required during this period to identify, but not to demonstrate its entitlement to, any exemptions for which Units 1, 2, 3, and 4 may qualify.

(4) Subsequent to the end of the three month public comment period, ERA will issue a notice of whether ERA intends to proceed with the prohibition order proceedings. Within three months of the issuance of the notice of intention to proceed with the prohibition orders, the owner or operator of the installations that may be subject to the orders may demonstrate, prior to issuance of final prohibition orders, that the installations would qualify for exemptions if the prohibition had been established by rule.

(5) Subsequent to the end of the second three month period, ERA will, if it intends to issue final prohibition orders, prepare and publish a Notice of Availability of a Tentative Staff Analysis.

(6) Under the provisions of Section 701(d) of FUA, any interested person may request a public hearing on the proposed prohibition orders. Interested persons wishing a hearing must request a hearing within 45 days after publication of the notice of availability of the tentative staff analysis. If a hearing is requested, ERA shall provide interested persons with an opportunity to present oral data, views, and arguments at a public hearing held in accordance with Subpart C of 10 CFR Part 501.

(7) At the hearing, if any, interested persons will have the opportunity to question the parties about ERA's proposed prohibition orders and tentative staff analysis, DOD-Air Force's showing on exemptions and rebuttal of ERA's proposed prohibition orders, and ERA's rebuttal to any showing of potential qualification for exemption.

(8) After the hearing, if any, and the second three month comment period, ERA shall determine whether final prohibition orders will be issued, based upon a review of the entire administrative record. Copies of final prohibition orders, if issued, together with a summary of the basis, therefore, will be published in the **Federal Register**. Such orders shall not take effect earlier than 60 days after publication.

Comment and Public Hearing Procedures

ERA hereby also gives notice of the opportunity to submit written comments, views, and arguments by interested persons regarding these proposed prohibition orders. Comments need not be limited to ERA's technical capability finding, but may include a discussion of all three statutory findings.

The initial comment period shall remain open for a period of three months after publication of the proposed prohibition orders in the **Federal Register** unless reduced at the request of the recipient of the proposed prohibition orders pursuant to 10 CFR Part 501.51(b)(8). Notice of any change in the time for public comment will be published in the **Federal Register.** Comments should make reference to the docket numbers set forth in this notice and proposed prohibition orders. Comments should address the adequacy and validity of the findings and any other aspects or impacts of the proposed prohibition orders believed to be relevant.

Written comments on the proposed prohibition orders should be directed to Public Hearing Management (Case Nos. 54169–9179–01, 02, 03, 04–81), U.S. Department of Energy, Box 4629, Room 3214, 2000 M Street, N.W., Washington, D.C. 20461, and should be received before 4:30 p.m. on December 11, 1980.

In accordance with 10 CFR 501.34, any interested person may request a public hearing on the proposed orders. The request must include a description of the person's interest in the proposed prohibition orders, an outline of the anticipated content of the presentation to be made at the public hearing, and an address and telephone number where the person requesting the public hearing may be reached.

Comments and other documents submitted to DOE Public Hearing Management should be identified on the outside of the envelope in which they are transmitted and on the document itself with the designation "Proposed Prohibition Orders for Griffiss AFB Central Heat Plant, Rome, New York." Fifteen copies should be submitted. All written comments, all oral presentations, and all other relevant information submitted to or available to ERA will be considered by ERA. Any information or data considered to be confidential by the person furnishing it must also be so identified in writing and filed in accordance with 10 CFR 501.7(f). ERA reserves the right to determine the confidential status of the information or data and to treat it in accordance with that determination.

FOR FURTHER INFORMATION CONTACT:

William L. Webb (Office of Public Information), Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room B–110, Washington, D.C. 20461, (202) 653–4055.

Constance L. Buckley, (Industrial Facilities Conversion Division) Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room 3128–J, Washington, D.C. 20461, (202) 653–4226.

Walter A. Romanek, (Federal Facilities Branch), Economic Regulatory Administration, Department of Energy, 2000 M. Street, N.W., Room 3214–E, Washington, D.C. 20461, (202) 653–4262.

James Renjilian (Office of General Counsel), Department of Energy, Forrestal Building, Room 6–G–087, Washington, D.C. 20585, (202) 252–2967.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.;* Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.;* E.O. 12009 (42 F.R. 46267); E.O. 12217 (45 F.R. 41323))

Issued in Washington, D.C., September 11, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80–28708 Filed 9–16–80; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ERA–TA–80–06]

Tenneco Oil Co., Houston, Tex.; Issuance of Decision and Order

On July 9, 1980, the Economic Regulatory Administration (ERA) issued a Proposed Decision and Order to Tenneco Oil Company (Tenneco) that would, pursuant to 10 CFR 212.78, permit Tenneco allowed expenses in addition to those allowed in the Appendix to § 212.78 for polymer augmented waterflood projects as defined in § 212.78(c).

The Proposed Decision and Order was published in the **Federal Register** on July 9, 1980 (45 FR 46156). Only one comment was received during the prescribed period. The comment was from Tenneco itself and requested use of a preferred company name and correction of a numerical value of reservoir thickness. Both suggestions were adopted and a final Decision and Order, substantially as proposed, was issued.

A copy of the final Decision and Order is available in the Public Affairs Office, Room B-110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays), and in the DOE Reading Room, Room GA-152, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays).

Issued in Washington, D.C., on September 10, 1980.

Doris J. Dewton

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 80-28814 Filed 9-16-80; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Volume 271]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued September 5, 1980.

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JD NO    JA DKT     API NO     SEC D WELL NAME                          FIELD NAME                 PROD   PURCHASER
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******************************************************************************
  TEXAS RAILROAD CUMMISSION
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-ADOBE OIL & GAS CORPORATION          RECEIVED: 08/08/80  JA: TX
 8052790   18119      4217331009 103   WEYMAN G NO 1                    SPRABERRY (TREND AREA)      18.0 EL PASO NATURAL GAS
-AMINOIL USA INC                      RECEIVED: 08/08/80  JA: TX
 8052752   17823      4235330741 103   ARLEDGE ESTATE 215 #1            BAST (CISCO)                26.3 UNION TEXAS PETROLEU
-AMOCO PRODUCTION CO                  RECEIVED: 08/08/80  JA: TX
 8052821   18238      4218930315 103   ANTON IRISH CLEARFORK UNIT #423  ANTON IRISH                  1.0 PIONEER NATURAL GAS
 8052822   18239      4218930316 103   ANTON IRISH CLEARFORK UNIT #428  ANTON IRISH                  1.0 PIONEER NATURAL GAS
 8052734   18005      4229530693 103   BROYLES UNIT WELL #2             N MAMMOTH CREEK (CLEVELA   219.0 NORTHERN NATURAL GAS
 8052835   18847      4236530660 103   BURNETT BRUTHERS NU 12           CARTHAGE (COTTON VALLEY)   436.0 TENNESSEE GAS PIPELI
 8052725   16823      4222731790 103   CORA LEE ECHOLS/B/ #12           IATAN EAST /HOWARD/          1.5 GETTY OIL CO
 8052723   16820      4222731791 103   CORA LEE ECHOLS/B/ #4            IATAN EAST /HOWARD/          1.5 GETTY OIL CO
 8052724   16821      4222731817 103   CORA LEE ECHOLS/B/ #5            IATAN EAST /HOWARD/          1.5 GETTY OIL CO
 8052732   18009      4219530687 103   E M CARMODY WELL #7              HANSFORD                    18.0 NORTHERN NATURAL GAS
 8052827   19945      4234930916 102   INA K CARROLL OIL UNIT B NU 1    CHENEYBORO (COTTON VALLE   149.7 LONE STAR GAS CO
 8052809   18153      4203931441 103   J C HUTCHESON JR (05679) #8      HASTINGS WEST               38.0 AMOCO GAS CO
 8052810   18154      4223531343 103   JANE ELIZABETH CHARLTON #1       BROOKS (PERMIAN LIME)       32.9 NORTHERN NATURAL GAS
 8052672   15193      4235530815 103   JANE W BLUMBERG NO 8             AGUA DULCE (7850)           26.0 AMOCO GAS CO
 8052823   18240      4221932682 103   LEVELLAND UNIT #747              LEVELLAND                    1.0 EL PASO NATURAL GAS
 8052839   18241      4221932675 103   LEVELLAND UNIT #748              LEVELLAND                    1.0 EL PASO NATURAL GAS
 8052826   19946      4234930932 102   LILLIAN COUPER OIL UNIT B WELL NU 1 CHENEYBORO (COTTON VALLE 182.5 LONE STAR GAS CO
 8052830   19898      4234930934 102   MILLER-BALCOM UIL UNIT WELL NO 1 CHENEYBORO (COTTON VALLE   182.5 LONE STAR GAS CO
 8052726   16842      4222731844 103   TEX LAND/MTGE CO /A/ R/A /A/ #76 IATAN EAST/HOWARD/           1.5 GETTY OIL CU
 8052720   16789      4222731749 103   TEX LAND/MTGE CO /A/ R/A /B/ #74 IATAN EAST/HOWARD/           1.5 GETTY OIL CO
*8052728   18029      4250131721 103   WASSON ODC UNIT #517             WASSON                      31.9 SHELL OIL CO
 8052780   18030      4250131730 103   WASSON ODC UNIT #518             WASSON                      31.9 SHELL OIL CU
 8052781   18031      4250131731 103   WASSON ODC UNIT #519             WASSON                      31.9 SHELL OIL CO
 8052782   18032      4250131725 103   WASSON ODC UNIT #520             WASSON                      31.9 SHELL OIL CO
 8052783   18033      4250131729 103   WASSON ODC UNIT #521             WASSON                      31.9 SHELL UIL CO
 8052784   18034      4250131718 103   WASSON UDC UNIT #522             WASSON                      31.9 SHELL UIL CO
 8052733   18007      4229530703 103   WILSON UNIT B WELL #2            N MAMMOTH CREEK            219.0 NORTHERN NATURAL GAS
-BASS ENTERPRISES PRODUCTION CO       RECEIVED: 08/08/80  JA: TX
 8052768   16922      4210332050 102   L D MOSS ET AL NU 18             TRUPORU N (DEVONIAN)        50.0 PGP GAS PRUDUCTS INC
 8052768   16922      4210332050 103   L D MOSS ET AL NO 18             TRUPORO N (DEVONIAN)        50.0 PGP GAS PRODUCTS INC
 8052687   16134      4210332116 102   L D MOSS ET AL NO 22             TROPORO N (DEVONIAN)        50.0 PGP GAS PRODUCTS INC
 8052687   16134      4210332116 103   L D MOSS ET AL NO 22             TRUPORO N (DEVONIAN)        50.0 PGP GAS PRODUCTS INC
 8052767   16923      4210332136 102   L D MOSS ET AL NO 23             TROPORO N (DEVONIAN)        50.0 PGP GAS PRODUCTS INC
 8052767   16923      4210332136 103   L D MOSS ET AL NO 23             TROPORO N (DEVONIAN)        50.0 PGP GAS PRODUCTS INC
 8052670   15220      4210332051 102   L D MOSS NO 19                   TRUPORU N (DEVONIAN)        40.0 PGP GAS PRODUCTS INC
 8052670   15220      4210332051 103   L D MOSS NU 19                   TROPORU N (DEVONIAN)        40.0 PGP GAS PRODUCTS INC
-BILL FORNEY INC                      RECEIVED: 08/08/80  JA: TX
 8052703   16429      4229732026 102   A H STEINMEYER 3-U               CHARLINE (FORNEY 1-A) FI   700.0 TRANSCONTINENTAL GAS
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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8052703	16429	4229732026	103		A H STEINMEYER 3-U	CHARLINE (FORNEY 1-A) FI	700.0	TRANSCONTINENTAL GAS
-CABANA OIL CORP					RECEIVED: 08/08/80 JA: TX			
8052693	16364	4241300000	103		MCELROY ESTATE NO 1-C	JAN-JERRYE	700.0	PRODUCERS GAS CO
8052694	16365	4241300000	103		MCELROY ESTATE NO 1-T	JAN-JERRYE	13.0	PRODUCERS GAS CO
8052688	16135	4241300000	103		TISDALE ESTATE NO 3	JAN-JERRYE	200.0	PRODUCERS GAS CO
-CANYON OPERATING UNIT					RECEIVED: 08/08/80 JA: TX			
*8052691	16358	4241330807	103		CASE #2	VELREX (HENDERSON UPPER)	55.0	CRA INC
-CHALMERS OPERATING CO INC					RECEIVED: 08/08/80 JA: TX			
8052680	15903	4208331585	103		JOHN E WOLF RRC #84605	WOLF (FRY SAND)	153.0	LONE STAR GAS CO
-CHEVRON U S A INC					RECEIVED: 08/08/80 JA: TX			
8052684	16084	4233531390	103		W L FOSTER 1 #54	IATAN - EAST HOWARD	5.8	GETTY OIL CO
-CIG EXPLORATION INC					RECEIVED: 08/08/80 JA: TX			
8052644	15714	4248300000	103		ZYBACH 1-12	ZYBACH MORROW	210.0	COLORADO INTERSTATE
-CITIES SERVICE COMPANY					RECEIVED: 08/08/80 JA: TX			
8052811	18156	4210532440	103		UNIVERSITY BY #1	HOWARDS CREEK (PENN)	183.0	
8052812	18157	4210532406	103		UNIVERSITY BZ #1	HOWARD CREEK (PENN)	73.0	
-CONOCO INC					RECEIVED: 08/08/80 JA: TX			
8052685	16088	4215130905	103		J B TERRELL - A - NO 12 ID #13657	ROUND TOP/CANYON/	5.4	LONE STAR GAS CO
8052707	16493	4213532999	103		L E WIGHT B-21 #1 ID #25419	NORTH COWDEN	12.4	AMOCO
8052686	16089	4215130896	103		LUCIE MAE WILSON #23 ID #01915	ROUND TOP/CANYON/	32.8	LONE STAR GAS CO
-COTTON PETROLEUM CORPORATION					RECEIVED: 08/08/80 JA: TX			
8052706	16467	4221131088	103		HOWE NO 1	HOWE RANCH	750.0	EL PASO NATURAL GAS
8052671	15199	4229530617	103		KEARNS NO 1	STUART RANCH (LOWER MORR	150.0	NORTHERN NATURAL GAS
8052642	15737	4239330674	102		MCMORDIE BRUS NO 1	WILDCAT	219.0	PHILLIPS PETROLEUM C
8052642	15737	4239330674	103		MCMORDIE BROS NO 1	WILDCAT	219.0	PHILLIPS PETROLEUM C
-DALLAS PRODUCTION INC					RECEIVED: 08/08/80 JA: TX			
8052727	16876	4236731551	103		MOORE A NO 1	MUIR (STRAWN 4400)	202.0	SOUTHWESTERN GAS PIP
-DAWSON OIL CORPORATION					RECEIVED: 08/08/80 JA: TX			
8052755	17557	4202531037	102		M S SCHOOLFIELD NO 1	RAGSDALE N (LULING) FIEL	300.0	TEXAS EASTERN TRANSM
-DANIEL OIL COMPANY					RECEIVED: 08/08/80 JA: TX			
8052713	16576	4232130887	103		GULF COAST WATER CO #1-L	DUNCAN SLOUGH SOUTH (FRI	1500.0	TENNESSEE GAS PIPELI
8052712	16575	4232100000	103		GULF COAST WATER CO #1-U	DUNCAN SLOUGH SOUTH (F-6	2.0	TENNESSEE GAS PIPELI
-DIAMOND SHAMROCK CORPORATION					RECEIVED: 08/08/80 JA: TX			
8052655	15503	4236731049	103		DIKES NO 1	RENO	500.0	SOUTHWESTERN GAS PIP
8052714	16578	4229530678	103		G JERGENSON ET AL NO 2	BRADFORD (CLEVELAND)	83.0	
8052654	15534	4236731120	103		HENRY D SPIKES NO 1	RENO	337.0	SOUTHWESTERN GAS PIP
-DINERO OIL CO					RECEIVED: 08/08/80 JA: TX			
8052667	15244	4217531134	103		SWICKHEIMER #1	ALKEK NORTH (FRIO 3100)	84.0	HOUSTON PIPELINE CO
-DUNCAN DRILLING CO					RECEIVED: 08/08/80 JA: TX			
8052692	16361	4230100000	108		BOND #1	WHEAT	1.0	PHILLIPS PETROLEUM C
8052695	16371	4210900000	108		G E RAMSEY B #1	GERALDINE WEST (DELAWARE	1.0	PHILLIPS PETROLEUM C
8052696	16372	4210900000	108		G E RAMSEY B #2	GERALDINE WEST (DELAWARE	1.0	PHILLIPS PETROLEUM C
8052697	16373	4210900000	108		G E RAMSEY B #3	GERALSINE WEST (DELAWARE	1.0	PHILLIPS PETROLEUM C
8052698	16374	4210900000	108		G E RAMSEY B #8	GERALSINE WEST (DELAWARE	1.0	PHILLIPS PETROLEUM C
8052699	16375	4210900000	108		G E RAMSEY B #9	GERALDINE WEST (DELAWARE	1.0	PHILLIPS PETROLEUM C
-EL PASO NATURAL GAS COMPANY					RECEIVED: 08/08/80 JA: TX			
8052791	18125	4243532197	103		DEBERRY-HALBERT UNIT #3	SONORA CANYON UPPER	119.0	EL PASO NATURAL GAS
8052792	18127	4243532180	103		SHURLEY #12	SAWYER CANYON	365.0	EL PASO NATURAL GAS
8052793	18128	4243532188	103		SHURLEY #13	SAWYER CANYON	119.0	EL PASO NATURAL GAS
8052794	18129	4243532189	103		SHURLEY #14	SAWYER CANYON	219.0	EL PASO NATURAL GAS
8052795	18130	4243532190	103		SHURLEY #15	SAWYER CANYON	100.0	EL PASO NATURAL GAS
-ENSERCH EXPLORATION INC					RECEIVED: 08/08/80 JA: TX			

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8052669	15222	4220330655	103		DEE KNOX UNIT 1 NO 3	WHELAN	913,0	TEXAS EASTERN TRANSM
8052785	18056	4242932279	103		J E CHESLEY NO 2	LEERAY	146,0	LONE STAR GAS CO
-EXXON CORPORATION					RECEIVED: 08/08/80 JA: TX			
8052652	15616	4220330491	103		ALVIN BECKHAM GAS UNIT 1 WELL 3	WOODLAWN (COTTON VALLEY)	255,5	
*8052749	17926	4200331865	103		FULLERTON (CFLK) UNIT #1943	FULLERTON	27,8	PHILLIPS PETROLEUM C
*8052751	17924	4200331821	103		FULLERTON (CLFK) UNIT #1710	FULLERTON	3,5	PHILLIPS PETROLEUM C
*8052750	17925	4200331920	103		FULLERTON (CLFK) UNIT #1741	FULLERTON	12,9	PHILLIPS PETROLEUM C
*8052747	17929	4200331886	103		FULLERTON (CLFK) UNIT #2533	FULLERTON	5,3	PHILLIPS PETROLEUM C
*8052746	17930	4200331866	103		FULLERTON (CLFK) UNIT #5029	FULLERTON	27,2	PHILLIPS PETROLEUM C
8052801	18137	4200331922	103		FULLERTON CLFK UNIT #1625	FULLERTON	16,0	PHILLIPS PETROLEUM C
*8052748	17928	4200331888	103		FULLERTON CLFK UNIT #2435	FULLERTON	12,9	PHILLIPS PETROLEUM C
8052802	18138	4200331887	103		FULLERTON CLFK UNIT #2525	FULLERTON	16,0	PHILLIPS PETROLEUM C
8052803	18140	4210332127	103		J B TUBB A/C 1 #203L	SAND HILLS (TUBB)	18,0	EL PASO NATURAL GAS
8052804	18141	4210332127	103		J B TUBB A/C 1 #203U	SAND HILLS (MCKNIGHT)	48,0	EL PASO NATURAL GAS
8052798	18134	4210332126	103		J B TUBB A/C 2 #202U	SAND HILLS (MCKNIGHT)	55,0	EL PASO NATURAL GAS
8052799	18135	4239330710	103		J C VOLLMERT #2-L	MENDOTA NW (GRANITE WASH	184,4	TRANSWESTERN PIPELIN
8052744	17932	4208130772	103		LOU E JOHNSON ESTATE A/C 1 #26	JAMESON (STRAWN)	373,0	KOCH HYDROCARBON CO
8052731	18013	4208130773	103		LOU E JOHNSON ESTATE A/C 1 #27	JAMESON (STRAWN)	28,0	KOCH HYDROCARBON CO
8052745	17931	4243130666	103		LOU E JOHNSON ESTATE A/C 2 #25	JAMESON (STRAWN)	24,7	KOCH HYDROCARBON CO
8052689	16181	4224730809	102		MRS A M K BASS 40 (83090)	KELSEY DEEP (8500)	20,0	TRUNKLINE GAS CO
8052689	16181	4224730809	103		MRS A M K BASS 40 (83090)	KELSEY DEEP (8500)	20,0	TRUNKLINE GAS CO
*8052717	16744	4203931395	103		PLEDGER GAS FIELD UNIT #47	PLEDGER (FRIO 6500-6800)	820,0	UTTCO
8052677	15049	4216531540	103		ROBERTSON (CLEARFORK) UNIT #4802	ROBERTSON N (CLEARFORK 7	85,0	PHILLIPS PETROLEUM C
8052800	18136	4216531621	103		ROBERTSON (CLFK) UNIT #3802	ROBERTSON N (CLFK 7100)	13,0	PHILLIPS PETROLEUM C
8052739	17937	4216531600	103		ROBERTSON (CLFK) UNIT #5102	ROBERTSON N (CLFK 7100)	20,4	PHILLIPS PETROLEUM C
8052738	17938	4216531635	103		ROBERTSON (CLFK) UNIT #7201	ROBERTSON N (CLFK 7100)	27,4	PHILLIPS PETROLEUM C
8052737	17939	4216531637	103		ROBERTSON (CLFK) UNIT #7203	ROBERTSON N (CLFK 7100)	24,1	PHILLIPS PETROLEUM C
8052736	17940	4216531622	103		ROBERTSON (CLFK) UNIT #7301	ROBERTSON N (CLFK 7100)	39,4	PHILLIPS PETROLEUM C
8052741	17935	4216531557	103		ROBERTSON CLFK UNIT #1102	ROBERTSON N (CLFK 7100)	6,8	PHILLIPS PETROLEUM C
8052796	18132	4216531554	103		ROBERTSON CLFK UNIT #1112	ROBERTSON N (CLFK 7100)	22,0	PHILLIPS PETROLEUM C
8052797	18133	4216531555	103		ROBERTSON CLFK UNIT #1122	ROBERTSON N (CLFK 7100)	25,0	PHILLIPS PETROLEUM C
8052740	17936	4216531605	103		ROBERTSON CLFK UNIT #3002	ROBERTSON N (CLFK 7100)	7,4	PHILLIPS PETROLEUM C
8052743	17933	4216531603	103		ROBERTSON CLFK UNIT #702	ROBERTSON N (CLEARFORK 7	49,7	PHILLIPS PETROLEUM C
8052742	17934	4216531601	103		ROBERTSON CLFK UNIT #802	ROBERTSON N (CLFK 7100)	26,1	PHILLIPS PETROLEUM C
8052721	16795	4204730754	102		SANTA FE RANCH 48-D (09322)	SANTA FE (ZONE 2 LO)	81,0	NATL GAS PIPELINE CO
8052721	16795	4204730754	103		SANTA FE RANCH 48-D (09322)	SANTA FE (ZONE 2 LO)	81,0	NATL GAS PIPELINE CO
8052722	16796	4204730754	103		SANTA FE RANCH 48-F (09374)	SANTA FE (ZONE 2 U)	100,0	NATL GAS PIPELINE CO
-FISHER-WEBB INC					RECEIVED: 08/08/80 JA: TX			
8052765	16957	4208130814	103		GUEST B NO 3	ARLEDGE (PENN SAND) RRC	150,0	SUN OIL CO
8052764	16960	4235330792	103		MCLAUGHLIN NO 5	JMM (CANYON) RRC NO 1523	150,0	SUN OIL CO
8052763	16961	4235330793	103		MCLAUGHLIN NO 6	JMM (CANYON) RRC 15237	150,0	SUN OIL CO
8052762	16962	4235330809	103		MCLAUGHLIN NO 7	JMM (CANYON) RRC 15237	150,0	SUN OIL CO
8052761	16963	4235330808	103		MCLAUGHLIN NO 8	JMM (CANYON) RRC 15237	150,0	SUN OIL CO
-FLOYD A NUNLEY					RECEIVED: 08/08/80 JA: TX			
8052730	18014	4217930682	103		CARPENTER #3 WELL	PANHANDLE GRAY COUNTY OI	14,0	COLTEXO CORP
-FORTUNE DRILLING COMPANY INC					RECEIVED: 08/08/80 JA: TX			
8052700	16388	4223531368	103		BAKER B #1	CAL (CANYON)	31,0	NORTHERN NATURAL GAS
8052701	16390	4223531341	103		WINTERBOTHAM E #5	DOVE CREEK (CANYON C)	46,8	NORTHERN NATURAL GAS
-GAS PRODUCING ENTERPRISES INC					RECEIVED: 08/08/80 JA: TX			
8052715	16582	4237530677	103		BIVINS 35-1 S	WEST PANHANDLE (RED CAVE	22,0	COLORADO INTERSTATE
8052716	16583	4237530676	103		BIVINS 35-2 S	WEST PANHANDLE (RED CAVE	26,0	COLORADO INTERSTATE
-GEORGE P POST DBA POST PETROLEUM CO					RECEIVED: 08/08/80 JA: TX			

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8052676	15054	4221130875	103		ABRAMS #1	STURM (TONKAWA)	25.0	PALO DURA PIPELINE C
-GETTY OIL COMPANY					RECEIVED: 08/08/80 JA: TX			
8052651	15626	4216100000	102		GLAYDENE NEAL NO 1 RRC ID #82089	NEAL (SMACKOVER)	1241.0	LONE STAR GAS CO
8052679	15849	4236500000	103		WERNER-CARRINGTON #2 ID #80734	CARTHAGE (COTTON VALLEY)	26.0	DELHI GAS PIPELINE C
-GOLDKING PRODUCTION COMPANY					RECEIVED: 08/08/80 JA: TX			
8052772	16909	4208931048	103		PEARL L CAMPBELL NO 1	CHESTERVILLE (WILCOX 960	70.0	SEAGULL PIPELINE CO
-GUPTON GAS CO					RECEIVED: 08/08/80 JA: TX			
8052681	15930	4207700000	103		SCALING #1-10	CASS (CADDO)	6.0	SANFORD P FAGADAU
-H & P INVESTMENTS INC					RECEIVED: 08/08/80 JA: TX			
8052718	16760	4242931238	103		J C TERRELL B #1 - ID 82444	STEPHENS COUNTY REGULAR	16.2	WARREN PETROLEUM COR
-HIGHLAND PRODUCTION CO					RECEIVED: 08/08/80 JA: TX			
8052838	18350	4210300000	108		T C BARNSLEY NO 1 WELL 19870	RUNNING W (CLEARFORK)	3.8	WARREN PETROLEUM CO
8052837	18351	4210300000	108		T C BARNSLEY NO 2 WELL 19870	RUNNING W (CLEARFORK)	3.8	WARREN PETROLEUM CO
-HNG OIL COMPANY					RECEIVED: 08/08/80 JA: TX			
8052675	15073	4243531979	103		BROWN 78 #4 74871	SAWYER (WOLFCAMP)	28.0	INTRATEX GAS CO
8052682	16001	4247531576	103		UNIVERSITY 18-5 #3 24727	BLOCK 17 (CHERRY CANYON)	73.0	INTRATEX GAS CO
-HUGHES & HUGHES					RECEIVED: 08/08/80 JA: TX			
8052834	19213	4235531468	102		NETTIE E MILLER	COTTON (BUSENLEHNER)	600.0	FERGUSON CROSSING PI
8052825	19956	4247932541	102		ROSA V DE BENAVIDES ET AL NO 4	BRUNI NE (9760)	720.0	HOUSTON PIPE LINE CO
-J M HUBER CORPORATION					RECEIVED: 08/08/80 JA: TX			
8052805	18143	4223330704	103		SOUTH HERRING NO 148	PANHANDLE	60.0	COLORADO INTERSTATE
8052806	18144	4223330703	103		SOUTH HERRING NO 149	PANHANDLE	32.0	COLORADO INTERSTATE
8052807	18145	4223330701	103		SOUTH HERRING NO 150	PANHANDLE	55.0	COLORADO INTERSTATE
8052808	18146	4223330702	103		SOUTH HERRING NO 151	PANHANDLE	40.0	COLORADO INTERSTATE
-JAMES M FORGOTSON					RECEIVED: 08/08/80 JA: TX			
8052756	17468	4245900000	103		CARLOS DAVIS GAS UNIT #1	ROSEWOOD (HOSSTON-COTTON	500.0	ADVANCE TRANSPORT IN
-JERRY E WYLIE OIL DRILLING COMPANY					RECEIVED: 08/08/80 JA: TX			
8052708	16507	4209330621	103		SNIDER #1 - (82932)	DUSTER NE (MARBLE FALLS	25.2	LONE STAR GAS CO
-JOHN M HENDRIX CORPORATION					RECEIVED: 08/08/80 JA: TX			
8052816	18198	4237132787	103		ABELL CITY #1	ABELL EAST (WADDELL W SE	18.0	EL PASO NATURAL GAS
-J3 OIL CO INC					RECEIVED: 08/08/80 JA: TX			
8052666	15261	4239131320	103		HYNES MINERAL TRUST A #1	REFUGIO-FOX (6400)	565.8	UNITED GAS PIPELINE
-KERR-MCGEE CORPORATION					RECEIVED: 08/08/80 JA: TX			
8052771	16914	4223330710	103		PITTS WELL NO 82	PANHANDLE HUTCHINSON COU	48.5	GETTY OIL CO
8052770	16916	4223330711	103		PITTS WELL NO 84	PANHANDLE HUTCHINSON	49.2	GETTY OIL CO
-LIVELY ENERGY CO					RECEIVED: 08/08/80 JA: TX			
8052668	15232	4243531921	103		ALDWELL #22-1 77845	WHITEHEAD (STRAWN)	190.0	NORTHERN NATURAL GAS
-MEWBOURNE OIL COMPANY					RECEIVED: 08/08/80 JA: TX			
8052719	16776	4229530676	102		SPERRY #1 ID #04472	SPERRY (TONKAWA)	6.0	
8052719	16776	4229530676	103		SPERRY #1 ID #04472	SPERRY (TONKAWA)	6.0	
-MGF OIL CORP					RECEIVED: 08/08/80 JA: TX			
8052815	018199	4222731908	103		COLEMAN NO 2	ACKERLY (DEAN SAND)	18.3	TEXACO INC
8052818	18200	4231732088	103		SELF #2 (62466)	TEX-HAMON (DEAN)	25.0	ADOBE OIL & GAS CORP
8052817	18201	4247531942	103		UNIVERSITY 30 WELL NO 1	WAR-WINK (DELAWARE)	898.3	
8052819	18202	4247531940	103		UNIVERSITY 31 E NO 2	WAR-WINK (DELAWARE)	1052.7	LONE STAR GAS CO
-MITCHELL ENERGY CORPORATION					RECEIVED: 08/08/80 JA: TX			
8052665	15268	4249731195	103		C A LAWRENCE #8 19403	WASOFF (CONGLOMERATE 540	28.0	
8052705	16462	4249731108	103		DEAVER (CADDO CONGL) UNIT #5-11	ALVORD (CADDO CONGL)	15.0	NATURAL GAS PIPELINE
8052813	18165	4249731502	103		DEAVER-CHAMPION #1 19621	ALVORD (STRAWN 2975)	0.0	
8052710	16560	4249731556	103		G C BUSEY #9	BOUNSVILLE (BEND CONG GA	150.0	NATURAL GAS PIPELINE
8052690	16231	4236731630	102		H G SHIPLEY #1	LAKE MINERAL WELLS (4330	90.0	NATURAL GAS PIPELINE
8052683	16062	4249700000	108		I W MOSS #1 28754	BOONSVILLE (BEND CONGL G	9.0	LONE STAR GAS CO

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 JD NO     JA DKT         API NO     SEC D WELL NAME                                FIELD NAME                 PROD  PURCHASER
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-MOBIL OIL CORP                          RECEIVED:  08/08/80  JA: TX
 8052660   15390          4234100000 108   C R JONES NO 3                           PANHANDLE WEST              0.8 PANHANDLE EASTERN PI
-MONSANTO COMPANY                        RECEIVED:  08/08/80  JA: TX
 8052779   16888          4207931046 103   CALVIN #39-3                             LEVELLAND                  10.8 CITIES SERVICE CO
 8052777   16889          4207931047 103   CALVIN #39-4                             LEVELLAND                   4.2 CITIES SERVICE CO
 8052778   16890          4207931004 103   CALVIN #39-8                             LEVELLAND                   5.2 CITIES SERVICE CO
 8052820   18244          4221100000 103   MARGE NO 1                               FELDMAN (LOWER MORROW)   1460.0 TRANSWESTERN PIPELIN
-MOORE MCCORMACK OIL & GAS CORP          RECEIVED:  08/08/80  JA: TX
 8052824   20059          4247932474 102   HUBBERD GG #1                            LIZ (8800)                  4.7 TENNESSEE GAS PIPELI
-MORAN EXPLORATION INC                   RECEIVED:  08/08/80  JA: TX
 8052760   16985          4238300000 108   MINNIE TRAMMELL #1                       SPRABERRY (TREND AREA)      7.3 EL PASO NATURAL GAS
 8052649   15635          4238330297 108   ROCKER B F #1                            SPRABERRY (TREND AREA)      7.7 NORTHERN NATURAL GAS
 8052648   15639          4238330229 108   ROCKER B F #5                            SPRABERRY (TREND AREA)      7.7 NORTHERN NATURAL GAS
 8052647   15640          4238330228 108   ROCKER B F #6                            SPRABERRY (TREND AREA)      7.7 NORTHERN NATURAL GAS
 8052646   15641          4238330227 108   ROCKER B F #7                            SPRABERRY (TREND AREA)      7.7 NORTHERN NATURAL GAS
 8052645   15642          4238330226 108   ROCKER B F #8                            SPRABERRY (TREND AREA)      7.7 NORTHERN NATURAL GAS
 8052650   15629          4238330172 108   ROCKER B-6 BTTY - WELL #45               SPRABERRY (TREND AREA)      4.7 NORTHERN NATURAL GAS
-MORROW RESOURCES INC                    RECEIVED:  08/08/80  JA: TX
 8052836   18844          4244900000 102   HARPER ESTATE #1                         WILDCAT                   180.0 LONE STAR GAS CO
-MYCO DRILLING CO                        RECEIVED:  08/08/80  JA: TX
 8052704   16447          4242932193 103   HAILEY NO 1-M                            RICKELS (MARBLE FALLS CO   27.1 BRECKENRIDGE GASOLIN
-NATIONAL EXPLORATION COMPANY            RECEIVED:  08/08/80  JA: TX
 8052643   15724          4212330944 103   JOHN WOODS JR NO 1                       SHELTER ROCK (EDWARDS)    360.0 VALLEY PIPE LINES IN
-NATURAL GAS ANADARKO INC                RECEIVED:  08/08/80  JA: TX
 8052832   019418         4248300000 102   SHELTON #1-77                            CANDICE (MORROW)          180.0 MICHIGAN WISCONSIN P
-PENNZOIL PRODUCING COMPANY              RECEIVED:  08/08/80  JA: TX
 8052759   16993          4236530942 103   JERNIGAN A UNIT NO A-2                   BETHANY EAST/COTTON VALL  475.0 UNITED GAS PIPE LINE
-PETRO-CAP INC                           RECEIVED:  08/08/80  JA: TX
 8052758   16995          4242700000 103   ESTEBAN GARCIA NO 1                      EAST COASTAL               90.0 SOUTH TEXAS NATURAL
-PITTS OIL CO & DALLAS PROD INC          RECEIVED:  08/08/80  JA: TX
 8052711   16563          4207330348 103   LITTLE NO 1-U                            WHITE OAK CREEK (PETTIE)   75.0 DELHI GAS PIPELINE C
-R K G ENGINEERING INC                   RECEIVED:  08/08/80  JA: TX
 8052702   16420          4212700000 103   COTULLA 580-5                            S W CATARINA (OLMOS)        0.0 LOVACA GATHERING CO
-R LACY INC                              RECEIVED:  08/08/80  JA: TX
 8052776   16898          4220300000 103   F C GREEN UNIT WELL #5                   WOODLAWN (COTTON VALLEY)  328.0 MISSISSIPPI RIVER TR
-SAMEDAN OIL CORPORATION                 RECEIVED:  08/08/80  JA: TX
 8052678   15829          4229530496 103   STANLEY UNIT NO 1                        NORTHWEST HIGGINS          75.0 TRANSWESTERN PIPELIN
-STEVE GOSE                              RECEIVED:  08/08/80  JA: TX
 8052828   19910          4239100000 102   WELDER A NO 1-C                          PHIL POWER (3470) FIELD   300.0 MOORE MCCORMACK GAS
 8052829   19909          4239100000 102   WELDER A NO 1-T                          PHIL POWER (4830)         100.0 MOORE MCCORMACK GAS
-SUN OIL COMPANY (DELAWARE)              RECEIVED:  08/08/80  JA: TX
 8052735   18000          4221131093 103   J C STUDER NO 3                          HUMPHREYS                 601.0 PIONEER NATURAL GAS
 8052729   18022          4250131743 103   MATTIE POWELL A NO 7                     OWNBY                      72.0 AMOCO PRODUCTION CO
-T W MCGUIRE & ASSOCIATES INC            RECEIVED:  08/08/80  JA: TX
 8052753   17808          4236500000 108   WERNER-CARAWAY #1-C                      CARTHAGE (HILL SOUTHEAST   12.0 TEXAS GAS TRANSMISSI
-TEJAS PRODUCTION CO                     RECEIVED:  08/08/80  JA: TX
 8052775   16903          4250700000 102   J M WINTERBOTHAM EST NO 1                LEONA RIVER W             183.0 LO-VACA GATHERING CO
 8052774   16904          4250700000 102   LETA J GLASSCOCK NO 1                    LEONA RIVER W             109.0 LO-VACA GATHERING CO
 8052766   16933          4250700000 102   MARY WEST ET AL NO 1                     LEONA RIVER W             219.0 LO-VACA GATHERING CO
-TEXACO INC                              RECEIVED:  08/08/80  JA: TX
 8052663   15364          4216130396 103   SNEED GAS UNIT WELL #3                   REED (HAYNESVILLE)        200.0 LONE STAR GAS CO

-TEXAS OIL & GAS CORP                    RECEIVED:  08/08/80  JA: TX
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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8052757	16996	4229500000	103		METHODIST HOME #1	FOLLETT S (TONKAWA)	292.0	NORTHERN NATURAL GAS
8052831	19837	4216130549	102		TERRY A #1	REED N	700.0	
8052831	19837	4216130549	103		TERRY A #1	REED N	700.0	
*8052709	16534	4245900000	103		WELLS #1	ROSEWOOD	0.0	DELHI GAS PIPELINE C
•TEXAS PACIFIC OIL COMPANY INC					RECEIVED: 08/08/80 JA: TX			
8052814	18187	4221932737	103		CENTRAL LEVELLAND UNIT #244	LEVELLAND	7.4	AMOCO PRODUCTION CO
8052653	15596	4221932640	103		CENTRAL LEVELLAND UNIT WELL #225	LEVELLAND	1.1	AMOCO PRODUCTION CO
8052833	19274	4244330224	102		ELLEN A WORD A #1	MCKAY CREEK/CABALLOS	83.0	
•THOMAS D COFFMAN					RECEIVED: 08/08/80 JA: TX			
8052664	15313	4214930342	103		O - T A #2	GIDDINGS (AUSTIN CHALK/B	5.0	RESERVE GAS SYSTEMS
•TUCKER DRILLING COMPANY INC					RECEIVED: 08/08/80 JA: TX			
8052773	16907	4241330797	102		GLASS 50-2	GLASS (HARKEY)	18.0	NORTHERN NATURAL GAS
8052773	16907	4241330797	103		GLASS 50-2	GLASS (HARKEY)	18.0	NORTHERN NATURAL GAS
•W L COTTON					RECEIVED: 08/08/80 JA: TX			
8052769	16920	4240931315	103		ANGELITA GAS UNIT NO 1	ONEIL (3400)	144.0	HOUSTON PIPELINE CO
•W R EDWARDS JR					RECEIVED: 08/08/80 JA: TX			
8052674	15158	4223330670	103		A P YAKE WELL NO 2	PANHANDLE HUTCHINSON COU	160.0	PANHANDLE PRODUCING
8052662	15371	4242130196	103		HART A WELL NO 1	TEXAS HUGOTON	72.0	PHILLIPS PETROLEUM C
8052673	15160	4223330714	103		LITTLE RASCALS WELL NO 2	PANHANDLE HUTCHINSON COU	160.0	PANHANDLE PRODUCING
•W WALDO LYNCH					RECEIVED: 08/08/80 JA: TX			
8052754	17633	4250731177	102		R H PICKENS NO 1	LA PRYOR SE (SAN MIGUEL	360.0	NORTHERN NATURAL GAS
•WAINOCO OIL & GAS COMPANY					RECEIVED: 08/08/80 JA: TX			
8052789	18076	4248131806	103		MERIWETHER NO 1	SPANISH CAMP S (FRIO 406	218.8	UNITED TEXAS TRANSMI
•WARREN PETR CO A DIV OF GULF OIL CO					RECEIVED: 08/08/80 JA: TX			
8052786	18058	4210332033	103		M L BARNSLEY ET AL A NO 1	SAND HILLS (JUDKINS)	0.0	EL PASO NATURAL GAS
8052787	18059	4210332110	103		M L BARNSLEY ET AL A NO 2	SAND HILLS (JUDKINS)	0.0	EL PASO NATURAL GAS
8052788	18060	4210332104	103		W N WADDELL ET AL TR H NO 1096	LEA (SAN ANDRES)	10.0	EL PASO NATURAL GAS
•WAY AND MILLS					RECEIVED: 08/08/80 JA: TX			
8052659	15444	4238331311	103		UNIVERSITY 10 #1	FARMER (SAN ANDRES)	18.0	NORTHERN NATURAL GAS
8052658	15446	4238331166	103		UNIVERSITY 11 #1	FARMER (SAN ANDRES)	18.0	NORTHERN NATURAL GAS
8052657	15447	4238331167	103		UNIVERSITY 11 #2	FARMER (SAN ANDRES)	18.0	NORTHERN NATURAL GAS
8052656	15448	4238331195	103		UNIVERSITY 11 #3	FARMER (SAN ANDRES)	18.0	NORTHERN NATURAL GAS
•WAYMAN W BUCHANAN					RECEIVED: 08/08/80 JA: TX			
8052661	15373	4236731436	103		PLUMLEE UNIT #1	PEASTER SE (MARBLE FALLS	401.5	LONE STAR GAS CO

OTHER PURCHASERS

8052691	NORTHERN NATURAL GAS CO
8052709	WESTERN GAS CORP
8052717	HOUSTON P L CO
8052728	EL PASO NATURAL GAS CO
8052746	AMOCO GAS CO
8052747	AMOCO GAS CO
8052748	AMOCO GAS CO
8052749	AMOCO GAS CO
8052750	AMOCO GAS CO
8052751	AMOCO GAS CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf).

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before October 2, 1980.

Please reference the FERC Control Number (JD NO) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28424 Filed 9-16-80; 8:45 am]

BILLING CODE 6450-85-M

[Volume 272]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued September 5, 1980.

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 JD NO     JA DKT          API NO      SEC D WELL NAME                              FIELD NAME                  PROD      PURCHASER
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*****************************************************************************************
   ILLINOIS DEPARTMENT OF MINES & MINERALS
*****************************************************************************************
-LIPE MOTORS INC                            RECEIVED: 07/30/80  JA: IL
 8052840                   1214900000 102   DUNHAM #1                               FISHHOOK                         0.0
*****************************************************************************************
   MONTANA BOARD OF OIL & GAS CONSERVATION
*****************************************************************************************
-DALCO EXPLORATION INC                      RECEIVED: 08/13/80  JA: MT
 8053128    6-80-152       2509521081 108   DALCO KIRCHNER 10-4                     RAPELJE                         50.0 MONTANA DAKOTA UTILI
 8053122    6-80-146       2509521096 108   DALCO KIRCHNER 14-4                     RAPELJE                          2.8 MONTANA DAKOTA UTILI
 8053127    6-80-151       2509521082 108   DALCO MILLER 10-9                       RAPELJE                         20.0 MONTANA DAKOTA UTILI
 8053123    6-80-147       2509521084 108   DALCO MILLER 11-9                       RAPELJE                         21.0 MONTANA DAKOTA UTILI
 8053121    6-80-145       2509521085 108   DALCO STATE 2-16                        RAPELJE                          9.0 MONTANA DAKOTA UTILI
 8053126    6-80-150       2509521080 108   DALCO W C CLYDE GORR 6-3                RAPELJE                         16.8 MONTANA DAKOTA UTILI
 8053125    6-80-149       2509521083 108   DALCO WODRICH 6-4                       RAPELJE                          1.7 MONTANA DAKOTA UTILI
 8053124    6-80-148       2509521087 108   DALCO WODRICH 7-4                       RAPELJE                          3.3 MONTANA DAKOTA UTILI
-MIDLANDS GAS CORPORATION                   RECEIVED: 08/13/80  JA: MT
 8053120    3-80-76        2507121526 108 D 3471 1-34 WESTERGAARD                   BOWDOIN                          2.0 KANSAS-NEBRASKA NATU
*****************************************************************************************
   NEW MEXICO DEPARTMENT OF ENERGY & MINERALS
*****************************************************************************************
-AMOCO PRODUCTION CO                        RECEIVED: 08/05/80  JA: NM
*8052845                   3002526457 102   GRIZZELL B #3                           WILDCAT FUSSELMAN              231.0 GETTY OIL CO
-ARCO OIL AND GAS COMPANY                   RECEIVED: 08/05/80  JA: NM
 8052852                   3002526628 103   STATE 157 D WELL #15                    DRINKARD                        40.0 WARREN PETROLEUM CO
 8052851                   3002526630 103   W B GUTHRIE W N WELL #3                 JALMAT YATES 7R                 90.0 EL PASO NATURAL GAS
-EL PASO NATURAL GAS COMPANY                RECEIVED: 08/05/80  JA: NM
 8052854                   3003922066 103   SAN JUAN 30-6 UNIT #24A                 BLANCO MESAVERDE               150.0 EL PASO NATURAL GAS
-GETTY OIL COMPANY                          RECEIVED: 08/05/80  JA: NM
 8052855                   3002526705 102   GETTY 35 STATE COM WELL NO 2            EAST GRAMA RIDGE - MORRO      1095.0 TUCO INC
 8052853                   3002526704 103   J W SHERRELL WELL NO 10                 JALMAT (GAS)                   298.0 EL PASO NATURAL GAS
-MARALO INC                                 RECEIVED: 08/05/80  JA: NM
 8052849                   3001523003 102   N W INDIAN BASIN #1 COMM                WILDCAT                         90.0 EL PASO NATURAL GAS
-PHILLIPS PETROLEUM COMPANY                 RECEIVED: 08/05/80  JA: NM

 8052846                   3004120506 102   LAMBIRTH - A NO 4                       PETERSON FUSSELMAN SOUTH        50.0 TRANSWESTERN PIPELIN
 8052850                   3004120471 102   LAMBIRTH A NO 1                         PETERSON FUSSELMAN SOUTH       112.0 TRANSWESTERN GAS PIP
 8052844                   3004120514 102   LAMBIRTH STATE NO 1                     PETERSON SOUTH FUSSELMAN         3.0
 8052847                   3004120481 102   LAMBIRTH-A NO 2                         PETERSON FUSSELMAN SOUTH       250.0 TRANSWESTERN GAS PIP
 8052848                   3004120484 102   LAMBIRTH-A NO 3                         PETERSON FUSSELMAN SOUTH        69.0 TRANSWESTERN GAS PIP
-READ & STEVENS INC                         RECEIVED: 08/05/80  JA: NM
 8052841                   3001500000 108   BOGLE FLATS NO 1                        MESA QUEEN                       4.0 PHILLIPS PETROLEUM C
 8052842                   3002500000 108   SHERIDAN COM NO 1                       VADA PENN                        7.0 WARREN PETROLEUM CO
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                                                                             VOLUME  272                       PAGE  002
 JD NO    JA DKT        API NO     SEC D WELL NAME                            FIELD NAME               PROD    PURCHASER
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-SUPRON ENERGY CORPORATION             RECEIVED: 08/05/80  JA: NM
 8052843                3004523532 103   MIMS STATE COM 1-A                   BLANCO MESAVERDE            62.4 SOUTHERN UNION GATHE
*********************************************************************************
   OKLAHOMA CORPORATION COMMISSION
*********************************************************************************
-B R CARTER                            RECEIVED: 08/08/80  JA: OK
 8052962  04041         3513120602 102   BOREN #1                                                     50.0 DIAMOND S GAS SYSTEM
 8052963  4040          3513120900 102   C SWEENEY #1                                                140.0 DIAMOND S GAS SYSTEM
 8052976  4041          3513120683 102   CARROLL #1                                                   70.0 DIAMOND S GAS SYSTEM
 8052975  4044          3513120625 102   MCALVAIN #1                                                  70.0 DIAMOND S GAS SYSTEM
 8052974  4045          3513120648 102   MCALVAIN #2                                                  28.0 DIAMOND S GAS SYSTEM
 8052977  4042          3513120651 102   SWEENEY #1                                                   70.0 DIAMOND S GAS SYSTEM
-BERRY PETROLEUM CORP                  RECEIVED: 08/08/80  JA: OK
 8052967  00953         3504721739 103   HERBERT NO 16-1                      SOONER TREND                40.0 GRACE PETROLEUM CORP
-BERRY PETROLEUM CORP                  RECEIVED: 08/13/80  JA: OK
 8053131  04513         3509321650 102   BECKHAM #10-1                        SOONER TREND                 0.0 PANHANDLE EASTERN PI
-CITIES SERVICE COMPANY                RECEIVED: 08/13/80  JA: OK
 8053139  03152         3506120249 102   EAKLE B #1                           N RUSSELLVILLE             197.1 ARKANSAS LUUISIANA G
 8053140  02630         3513921062 102   STONEBRAKER AZ #2                    SOUTH GUYMON               630.0 PANHANDLE EASTERN PI
-COBRA OIL AND GAS CORPORATION         RECEIVED: 08/13/80  JA: OK
 8053135  03729         3515320914 102   W D FERGUSON #1-T                                           400.0 NORTHERN NATURAL GAS
 8053136  03808         3505920698 102   W R KINNEY #1                                               365.0 NORTHERN NATURAL GAS
-E LYLE JOHNSON                        RECEIVED: 08/08/80  JA: OK
 8052961  00296         3513700000 108   MEEKS #2 ID #36490                   S W VELMA                    1.7 GETTY OIL CO
-EXXON CORPORATION                     RECEIVED: 08/13/80  JA: OK
 8053133  02449         3500721375 103   CAMRICK UNIT 2973                    CAMRICK UNIT                 1.0 PHILLIPS PETROLEUM C
-GRAHAM-MICHAELIS CORP                 RECEIVED: 08/08/80  JA: OK
 8052965  00953         3513900000 108   GILLILAND #1                         CAMRICK                     15.5 NATURAL GAS PIPE LIN
-HELMERICH & PAYNE INC                 RECEIVED: 08/08/80  JA: OK
*8052964  03961         3501520792 102   ALMA BARBEE UNIT NO 1 01520792                             1825.0 MICHIGAN WISCONSIN P
-HOLDEN ENERGY CORP                    RECEIVED: 08/08/80  JA: OK
 8052959  01995         3508500000 102   RICE NO 1                            WILDCAT                    300.0 CIMARRON TRANSMISSIO
-KENNEDY & MITCHELL INC                RECEIVED: 08/08/80  JA: OK
 8052973  04219         3515300000 102   ESPY #19-343                         (C SE 17-20N-17W)          360.0 NORTHERN NATURAL GAS
-KENNEDY & MITCHELL INC                RECEIVED: 08/13/80  JA: OK
 8053138  03395         3505900000 102   LINDSAY #16-98-2                     (C NE 36-28N-23W)          270.0 NORTHERN NATURAL GAS
 8053137  03397         3505900000 102   YAUK #18-199                         (C SW 25-28N-23W           360.0 NORTHERN NATURAL GAS
-LOGOS OIL INC                         RECEIVED: 08/08/80  JA: OK
 8052958  02075         3510720425 103 D SELBY 1-A                            WEST PHARDAH LAKE            4.2 PHILLIPS PETROLEUM
-LOGOS OIL INC                         RECEIVED: 08/13/80  JA: OK
 8053142  02076         3510720461 103   CHILDERS 2-A                         NUYAKA FIELD                 3.1 PHILLIPS PETROLEUM
 8053141  02086         3511121432 103   STRICKER 1-B                         NUYAKA                       1.1 PHILLIPS PETROLEUM
-MACKELLAR INC                         RECEIVED: 08/13/80  JA: OK
 8053129  04700         3507322299 103   WIER #1                              SOONER TREND                35.0 CITIES SERVICE GAS C
-MARLIN OIL CORPORATION                RECEIVED: 08/13/80  JA: OK
 8053132  03013         3500700000 103   NO 1 BALDWIN                         MOCANE-LAVERNE               0.0 COLORADO INTERSTATE
-PETROLEUM INC                         RECEIVED: 08/13/80  JA: OK
 8053134  03635         3513921178 102   OKLAHOMA STATE J #3                  GUYMAN SOUTH (KEYES SAND   365.0 PANHANDLE EASTERN PI
-RESERVE OIL INC                       RECEIVED: 08/08/80  JA: OK
 8052960  01721         3504320794 102   WINTER #9-2                          VICI                       183.0 NORTHERN NATURAL GAS
-RESERVE EXPLORATION INC               RECEIVED: 08/08/80  JA: OK
*8052968  04683         3507100000 103   KELLE #4                                                     24.0 CHASE EXPLORATION CO
-SABINE CORP                           RECEIVED: 08/08/80  JA: OK
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                                                                                   VOLUME  272               PAGE  003
 JD NO     JA DKT           API NO     SEC D WELL NAME                             FIELD NAME                 PROD    PURCHASER
 -----     ------           ------     --- - ---------                             ----------                 ----    ---------
 8052970   01526            3501700000 108   PETREE NO 1-18                        S W EL RENO                 9.0 MICHIGAN WISCONSIN P
-SOUTHLAND ROYALTY CO                        RECEIVED: 08/08/80  JA: OK

 8052971   03353            3513921091 103   SCHOONOVER #1-19                      BAKERSBURG                100.0 NORTHERN NATURAL GAS
-SOVEREIGN EXPLORATION CO                    RECEIVED: 08/08/80  JA: OK
 8052966   03676            3515120914 103   SOVEREIGN #1 BUSSE (OSWEGO)                                      50.0 PANHANDLE EASTERN PI
-TEXACO INC                                  RECEIVED: 08/08/80  JA: OK
 8052969   02796            3509330262 108   J JANTZEN NO 1                        RINGWOOD N                  6.0 UNION TEXAS PETROLEU
-TEXAS OIL & GAS CORP                        RECEIVED: 08/13/80  JA: OK
 8053130   04754            3509321696 103   TAYLOR D #1                           CHEYENNE VALLEY            66.0
-UNIT DRILLING CO                            RECEIVED: 08/08/80  JA: OK
 8052972   04646            3506120255 103   POOR BOY NO 1-21                      KINTA                      36.0 ARKANSAS LOUISIANA G
*****************************************************************************************
  PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES
*****************************************************************************************
-AMOCO PRODUCTION CO                         RECEIVED: 08/08/80  JA: PA
 8052994   5257             3711120092 102   HARVEY C ROMESBURG GAS UNIT NO 1      COXES CREEK               110.0 TEXAS EASTERN TRANSM
 8053097   3579             3702720006 102   TEXAS GULF NO 1                       DEVILS ELBOW             1460.0 COLUMBIA GAS OF PENN
-ARROWHEAD GAS PRODUCERS INC                 RECEIVED: 08/08/80  JA: PA
 8053099   5038             3712327866 102   RICHARDSON #1                         SUGAR GROVE                60.0 COLUMBIA GAS TRANSMI
-ATLAS RESOURCES INC                         RECEIVED: 08/08/80  JA: PA
 8052999   5283             3706325377 103   YANITY NO 5 - #0907                                              37.0 COLUMBIA GAS TRANSMI
-BAKER GAS CO                                RECEIVED: 08/08/80  JA: PA
 8052986   5249             3700500000 108   FRANK HENRY #1                        MATEER                      2.8 APOLLO GAS CO
 8052988   5251             3700500000 108   GEORGE ELWOOD #1                      SPRING CHURCH               3.5 APOLLO GAS CO
 8052987   5250             3700500000 108   LEWIS SHELLHAMMER #1                  MATEER                      2.0 APOLLO GAS CO
 8052990   5253             3700521259 108   W L HILEMAN #1                        SPRING CHURCH               4.5 APOLLO GAS CO
 8052989   5252             3700500000 108   WALTER SHELLHAMMER #1                 MATEER                      3.1 APOLLO GAS CO
-BOYD & SHRIVER                              RECEIVED: 08/08/80  JA: PA
 8052983   5246             3706500000 108   115-COPENHAVER                        BEAVER                      0.8 T W PHILLIPS GAS & O
 8052984   5247             3706500000 108   121-COPENHAVER                        BEAVER                      0.8 T W PHILLIPS GAS & O
 8053113   5222             3700500000 108   159-VIRAG                             VALLEY                      3.7 PEOPLES NATURAL GAS
 8052978   5240             3700500000 108   18-ENGLE                              REDBANK                     1.8 PEOPLES NATURAL GAS
 8052985   5248             3706500000 108   186-CROZIER                           PORTER                      2.5 T W PHILLIPS GAS & O
 8053100   5060             3706500000 108 D 189-BYERLY                            BEAVER                      1.9 T W PHILLIPS GAS & O
 8053115   5235             3700520133 108   219-DOVERSPIKE                        REDBANK                     2.8 PEOPLES NATURAL GAS
 8053116   5236             3700520171 108   221-NEAL                              REDBANK                     2.7 PEOPLES NATURAL GAS
 8053117   5237             3700520142 108   223-NEAL                              REDBANK                     2.1 PEOPLES NATURAL GAS
 8052979   5241             3700500000 108   23-FOX                                REDBANK                     1.4 PEOPLES NATURAL GAS
 8052980   5242             3700500000 108   26-FISHER                             REDBANK                     4.5 PEOPLES NATURAL GAS
 8053118   5238             3706320456 108   299-BEHM                              N MAHONING                  9.0 PEOPLES NATURAL GAS
 8053119   5239             3700500000 108   3-YARGER                              REDBANK                     0.8 PEOPLES NATURAL GAS
 8053004   2097             3706323349 108   447-JULOCK                            GRANT                       6.5 CONSOLIDATED GAS SUP
 8053103   5108             3706324086 103   482-ALTMAN AND HUEY                   GRANT                       0.0 T W PHILLIPS GAS & O
 8052981   5243             3700500000 108   54-VIRAG                              VALLEY                      2.6 PEOPLES NATURAL GAS
 8053101   5061             3700500000 108 D 7-SMITH                               RED BANK                    8.0 PEOPLES NATURAL GAS
 8053102   5062             3700500000 108 D 8-SMITH                               RED BANK                    8.0 PEOPLES NATURAL GAS
 8052982   5244             3700500000 108   82-MCELWAIN                           COWANSHANNOCK               1.9 PEOPLES NATURAL GAS
-C & N CO                                    RECEIVED: 08/08/80  JA: PA
 8053001   5285             3706325109 103   S W JACK JR #1                        WHITE                     300.0 COLUMBIA GAS TRANSMI
 8053000   5284             3706325417 103   WILLIAM J MCINTIRE #2                 WHITE                     300.0 COLUMBIA GAS TRANSMI
-CASTLE GAS CO INC                           RECEIVED: 08/08/80  JA: PA
 8053003   329              3706323823 103   D LEASURE #2 (C-438) IND-23823        RAUNE TOWNSHIP             22.0 COLUMBIA GAS TRANS C
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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8053002	310	3706324298	103		R & P COAL CO DC LEASURE #5	WASHINGTON TOWNSHIP	25.0	COLUMBIA GAS TRANS C
•DORAN & ASSOCIATES INC					RECEIVED: 08/08/80 JA: PA			
8053098	4837	3706325308	103		DAVID E SPENCE 1-A K-K-1	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRANSMI
8052995	5265	3712521088	108		KEARNS #1 K-I-1	UPPER DEVONIAN SANDS	2.0	INDUSTRIAL GAS SALES
•FOX O & G INC					RECEIVED: 08/08/80 JA: PA			
8052998	5270	3712521128	103		THEODORE SLATER	PETERS TOWNSHIP	26.0	LOUDEN PROPERTIES CO
•J & J ENTERPRISES INC					RECEIVED: 08/08/80 JA: PA			
8052996	5266	3706325359	103		FRED A MUSSER #2-129A	WHITE	500.0	COLUMBIA GAS TRANSMI
•MERIDIAN OIL & GAS ENT INC					RECEIVED: 08/08/80 JA: PA			
8052997	5269	3703940528	103		A C SURRARRER WELL #2	SUMMERHILL	3.6	NATL FUEL GAS DISTRI
8053114	5219	3703940550	108		HENRY G SCHWAN WELL #1	CONNEAUT	6.0	NATL FUEL GAS DISTRI
8053109	5216	3703940546	108		JANE BEAN WELL #1	BEAVER	4.0	NATL FUEL GAS DISTRI
8053108	5215	3703940548	103		LEONARD P KOBY WELL #1	BEAVER	36.0	NATL FUEL GAS DISTRI
8053096	3552	3703940532	108		LYLE W SCHAEF WELL #1	CONNEAUT	5.0	NATL FUEL GAS DISTRI
8053110	5218	3703940549	108		LYLE W SCHAEF WELL #2		5.0	NATL FUEL GAS DISTRI
8053095	3548	3703940531	103		MICHAEL KOSS WELL #1	CONNEAUT	4.0	NATL FUEL GAS DISTRI
8053111	5220	3703940547	108		RODGER L BROWN WELL #1		4.0	NATL FUEL GAS DISTRI
•MID-EAST OIL CO					RECEIVED: 08/08/80 JA: PA			
8053077	2748	3706322341	108		A R WALKER #1	INDIANA	13.5	PEOPLES NATURAL GAS
8053065	2676	3706322705	108		ANNA MAE MARUK #1	PLUMVILLE	7.3	PEOPLES NATURAL GAS
8053013	2581	3706320614	108		BIER/WOOD #1	ELDERS RIDGE	2.5	PEOPLES NATURAL GAS
8053046	2630	3706521073	108		C W HIMES #1	DAYTON	3.9	PEOPLES NATURAL GAS
8053078	2749	3706520289	108		CAMDEN F WEISS #1	PUNXSUTAWNEY	7.1	CONSOLIDATED GAS SUP
8053079	2750	3706520361	108		CAMDEN F WEISS #2	PUNXSUTAWNEY	7.1	CONSOLIDATED GAS SUP
8053080	2751	3706520586	108		CAMDEN F WEISS #3	PUNXSUTAWNEY	14.8	CONSOLIDATED GAS SUP
8053029	2605	3706323448	108		CARL DEMBOSKY #1	INDIANA	13.2	PEOPLES NATURAL GAS
8053022	2598	3706320503	108		CHARLES K CONDRON #1	SMICKSBURG	4.5	PEOPLES NATURAL GAS
8053027	2603	3706320752	108		CHESTER A DAUGHERTY #1	PUNXSUTAWNEY	5.2	CONSOLIDATED GAS SUP
8053028	2604	3706320820	108		CHESTER A DAUGHERTY #2	PUNXSUTAWNEY	6.6	CONSOLIDATED GAS SUP
8053060	2671	3706322343	108		CLARENCE AND RUTH MARCUS #1	INDIANA	3.4	PEOPLES NATURAL GAS
8053070	2682	3706320337	108		CLYDE M MENTCH #1	INDIANA	11.5	PEOPLES NATURAL GAS
8053089	2762	3700520484	108		DANIEL C WINGARD #1	RURAL VALLEY	2.8	PEOPLES NATURAL GAS
8053006	2574	3706323256	108		DAVID M AZIMI #1	PLUMVILLE	11.2	PEOPLES NATURAL GAS
8053037	2621	3706322050	108		DEE GRIFFITH #1	MARION CENTER	14.3	T W PHILLIPS GAS & O
8053038	2622	3706322330	108		DEE GRIFFITH #2	MARION CENTER	21.4	T W PHILLIPS GAS & O
8053076	2747	3700520552	108		DORSEY VAN HORN #1	SMICKSBURG	1.0	APOLLO GAS CO
8053056	2666	3706520764	108		FLORENCE L YOUNGKIN #2	PUNXSUTAWNEY	16.7	CONSOLIDATED GAS SUP
8053007	2575	3712920603	108		GEORGE & ELIZABETH ZAMISKA #1	LATROBE	8.6	PEOPLES NATURAL GAS
8053031	2615	3700521647	108		GLENN H AND DONALD FLEMING #1	ELDERTON	6.7	PEOPLES NATURAL GAS
8053081	2752	3706520303	108		H W WEISS #1	PUNXSUTAWNEY	7.1	CONSOLIDATED GAS SUP
8053082	2753	3706520333	108		H W WEISS #2	PUNXSUTAWNEY	7.1	CONSOLIDATED GAS SUP
8053083	2754	3706520349	108		H W WEISS #3	PUNXSUTAWNEY	7.1	CONSOLIDATED GAS SUP
8053084	2755	3706520641	108		H W WEISS #4	PUNXSUTAWNEY	7.1	CONSOLIDATED GAS SUP
8053043	2627	3706520395	108		HAROLD F HARTZFELD #1	PUNXSUTAWNEY	5.5	CONSOLIDATED GAS SUP
8053064	2675	3706323170	108		HAROLD R MARSHALL #2	PLUMVILLE	12.7	PEOPLES NATURAL GAS
8053068	2679	3706520331	108		HARRIET C MCCLURE #2	PUNXSUTAWNEY	6.8	CONSOLIDATED GAS SUP
8053067	2678	3706520353	108		HARRIET MCCLURE #1	PUNXSUTAWNEY	7.3	CONSOLIDATED GAS SUP
8053087	2760	3706323341	108		HARRY C WILMOTH JR #1	MARION CENTER	7.4	PEOPLES NATURAL GAS
8053088	2761	3706323342	108		HARRY C WILMOTH JR #2	MARION CENTER	7.4	PEOPLES NATURAL GAS
8053094	2767	3712920593	108		HARRY E ALEXANDER #1	LATROBE	7.6	PEOPLES NATURAL GAS
8053047	2631	3706322980	108		INDIANA COUNTY BEAGLE CLUB #1	ELDERTON	5.9	PEOPLES NATURAL GAS
8053033	2617	3706320256	108		IVAN GEORGE ET AL #1	ELDERS RIDGE	3.1	PEOPLES NATURAL GAS

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8053034	2618	3706320561	108		IVAN GEORGE ET AL #2	ELDERS RIDGE	1.3	PEOPLES NATURAL GAS
8053058	2669	3706323452	108		J D LOCKHART #1	PLUMVILLE	12.3	PEOPLES NATURAL GAS
8053039	2623	3706323319	108		J WALTER GRIFFITH #1	MARION CENTER	7.2	PEOPLES NATURAL GAS
8053040	2624	3706323320	108		J WALTER GRIFFITH #2	MARION CENTER	0.1	PEOPLES NATURAL GAS
8053069	2681	3712920600	108		JAMES B MCNALL #1	LATROBE	5.2	PEOPLES NATURAL GAS
8053090	2763	3706320320	108		JAMES G WISSINGER #1	INDIANA	3.1	PEOPLES NATURAL GAS
8053005	2541	3706521629	103		JAMES L SHAFFER ET UX #1	REYNOLDSVILLE	9.5	CONSOLIDATED GAS SUP
8053023	2599	3706323554	108		JAMES S M CROOKS ET UX #1	PLUMVILLE	6.8	PEOPLES NATURAL GAS
8053024	2600	3706323555	108		JAMES S M CROOKS ET UX #2	PLUMVILLE	6.8	PEOPLES NATURAL GAS
8053025	2601	3706323556	108		JAMES S M CROOKS ET UX #3	PLUMVILLE	6.8	PEOPLES NATURAL GAS
8053026	2602	3706323557	108		JAMES S M CROOKS ET UX #4	PLUMVILLE	6.8	PEOPLES NATURAL GAS
8053073	2744	3712920835	108		JOHN A SUMMY #1	MOUNT PLEASANT	11.6	PEOPLES NATURAL GAS
8053018	2586	3706322789	108		JOHN M BRADY #1	MARION CENTER	17.4	PEOPLES NATURAL GAS
8053019	2587	3706322923	108		JOHN M BRADY #2	MARION CENTER	17.4	PEOPLES NATURAL GAS
8053048	2632	3706321483	108		JOHN JOHNSTON #1	INDIANA	8.7	PEOPLES NATURAL GAS
8053021	2597	3706320447	108		JOSEPH CANALE #1 (123 ACRE)	ELDERS RIDGE	4.5	PEOPLES NATURAL GAS
8053015	2583	3706520302	108		L M BOWERS #1	PUNXSUTAWNEY	7.1	CONSOLIDATED GAS SUP
8053041	2625	3706321795	108		LESTER T HAMILTON (45 AC) #1	MARION CENTER	4.0	T W PHILLIPS GAS & O
8053042	2626	3706321861	108		LESTER T HAMILTON (55 AC) #1	MARION CENTER	4.0	T W PHILLIPS GAS & O
8053014	2528	3712920851	108		LOUISE BLANKENBEHLER #1	BLAIRSVILLE	1.0	PEOPLES NATURAL GAS
8053032	2616	3706521113	108		M B GAHAGAN #1	DAYTON	5.1	PEOPLES NATURAL GAS
8053017	2585	3706320308	108		M I BOYER #1	ELDERS RIDGE	5.6	PEOPLES NATURAL GAS
8053016	2584	3706322240	108		M K BOWMAN #1	INDIANA	1.9	PEOPLES NATURAL GAS
8053059	2670	3706322654	108		MACK/BROWN #1	INDIANA	4.9	PEOPLES NATURAL GAS
8053063	2674	3706323432	108		MADELINE MARSHALL #1 (45 AC)	PLUMVILLE	11.6	PEOPLES NATURAL GAS
8053061	2672	3706323430	108		MADELINE W MARSHALL #1 (30 AC)	PLUMVILLE	11.6	PEOPLES NATURAL GAS
8053062	2673	3706323441	108		MADELINE W MARSHALL #1 (33 AC)	PLUMVILLE	11.6	PEOPLES NATURAL GAS
8053072	2743	3706321945	108		MARGARET STUCHELL #1	INDIANA	2.3	PEOPLES NATURAL GAS
8053010	2578	3706322881	108		MARTIN L BEARER #1 (DIAS 68.8 AC)	NEW FLORENCE	7.2	T W PHILLIPS GAS & O
8053011	2579	3706322882	108		MARTIN L BEARER #2(DIAS 68.8 AC)	NEW FLORENCE	7.2	T W PHILLIPS GAS & O
8053071	2687	3700520968	108		MARTIN M MUHA #1	FREEPORT	5.8	APOLLO GAS CO
8053030	2611	3706520575	108		MICHAEL FIRMENT #1	PUNXSUTAWNEY	11.7	CONSOLIDATED GAS SUP
8053057	2668	3706321882	108		NICHOLAS A LASSICK #3 (71 AC)	MCINTYRE	17.4	PEOPLES NATURAL GAS
8053020	2588	3706322679	108		PAUL L BROWN #1	INDIANA	8.0	PEOPLES NATURAL GAS
8053044	2628	3706321667	108		RICHARD M HEBBARD JR #1	ELDERS RIDGE	18.4	PEOPLES NATURAL GAS
8053091	2764	3706322822	108		ROBERT E WISSINGER #1	ELDERTON	8.1	PEOPLES NATURAL GAS
8053045	2629	3706323636	108		ROBERT M HERMANN ET UX #1	MARION CENTER	3.9	PEOPLES NATURAL GAS
8053008	2576	3706322605	108		RONALD D BAGLEY #1	ERNEST	14.9	PEOPLES NATURAL GAS
8053066	2677	3700520504	108		RUBY L MAUTHE #1	RURAL VALLEY	2.5	EQUITABLE GAS
8053050	2634	3712920816	108		SAMUEL A KENNEDY #1 TRACT A	MOUNT PLEASANT	10.6	PEOPLES NATURAL GAS
8053053	2637	3712920894	108		SAMUEL A KENNEDY #1 TRACT B	MOUNT PLEASANT	12.5	PEOPLES NATURAL GAS
8053051	2635	3712920817	108		SAMUEL A KENNEDY #2 TRACT A	MOUNT PLEASANT	10.6	PEOPLES NATURAL GAS
8053054	2638	3712920895	108		SAMUEL A KENNEDY #2 TRACT B	MOUNT PLEASANT	12.5	PEOPLES NATURAL GAS
8053052	2636	3712920844	108		SAMUEL A KENNEDY #3 TRACT A	MOUNT PLEASANT	10.6	PEOPLES NATURAL GAS
8053055	2639	3712920896	108		SAMUEL A KENNEDY #3 TRACT B	MOUNT PLEASANT	12.5	PEOPLES NATURAL GAS
8053049	2633	3706520368	108		SHARP KELLER #1	PUNXSUTAWNEY	7.0	CONSOLIDATED GAS SUP
8053085	2756	3706322473	108		THOMAS WILKINSON #1 (36 AC)	MCINTYRE	15.2	PEOPLES NATURAL GAS
8053086	2757	3706322192	108		THOMAS WILKINSON #1 (50 AC)	MCINTYRE	14.3	PEOPLES NATURAL GAS
8053074	2745	3712920601	108		UNITY CEMETERY ASSOCIATION #3	LATROBE	2.9	PEOPLES NATURAL GAS
8053075	2746	3712920629	108		UNITY CEMETERY ASSOCIATION #5	LATROBE	6.0	PEOPLES NATURAL GAS
8053092	2765	3706320362	108		W H WOOD #2	ELDERS RIDGE	6.7	PEOPLES NATURAL GAS
8053009	2577	3706321280	108		WESTON M BARRETT #2	SMICKSBURG	5.8	PEOPLES NATURAL GAS

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8053012   2580           3706320532 108   WILLIAM BEER #1 (109 AC)               ELDERS RIDGE                  1.4 PEOPLES NATURAL GAS
8053035   2619           3706321928 108   WILLIAM GERBER #1                      MCINTYRE                     12.2 T W PHILLIPS GAS & O
8053036   2620           3706322137 108   WILLIAM R GERBER #2                    MCINTYRE                      6.9 T W PHILLIPS GAS & O
8053093   2766           3712920611 108   YMCA OF GREENSBURG #1                  LATROBE                       5.8 PEOPLES NATURAL GAS
-MONROE RESOURCES LTD                    RECEIVED: 08/08/80  JA: PA
8053112   5221           3712327898 102   MAX WARNER #3                          SUGAR GROVE                  60.0 COLUMBIA GAS TRANSMI
-NORTHWEST NATURAL GAS CO                RECEIVED: 08/08/80  JA: PA
8053107   5214           3704920965 103   GUIANEN #2                             CONNEAUT                     40.0 NATIONAL FUEL GAS DI
8053106   5213           3704920883 103   HELLYEN #1                             CONNEAUT                     40.0 NATIONAL FUEL GAS DI
8053105   5212           3704920887 103   STUNTZ & WATERS #1                     CONNEAUT                     35.0 NATIONAL FUEL GAS DI
-OILMARK & CO INC                        RECEIVED: 08/08/80  JA: PA
8052991   5254           3704920947 103   BALDWIN #1                             LAKESHORE                    15.0 NATIONAL FUEL GAS DI
8052992   5255           3704920930 103   BALDWIN #2                             LAKESHORE                    10.0 NATIONAL FUEL GAS DI
8052993   5256           3704920931 103   BALDWIN #3                             LAKESHORE                    10.0 NATIONAL FUEL GAS DI
-UNION DRILLING INC                      RECEIVED: 08/08/80  JA: PA
8053104   5211           3706324747 103   EVA LONGWELL #1 629-PP                 RAYNE TOWNSHIP                0.0 PEOPLES NATURAL GAS
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** U.S. GEOLOGICAL SURVEY - METAIRIE,LA
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-AMOCO PRODUCTION CO                     RECEIVED: 08/05/80  JA: LA  3
*8052865  GO-1363        1770740328 102   OCS-G-2305 #A-7                        SOUTH MARSH ISLAND         3650.0 MICHIGAN WISCONSIN P
*8052860  GO-1364        1770740314 102   OCS-G-2305 #A-8                        SOUTH MARSH ISLAND         3650.0 MICHIGAN WISCONSIN P
-EXXON CORPORATION                       RECEIVED: 08/05/80  JA: LA  3
8052868   GO-1307        1770940389 102   OCS-G 3331 NO A-8                      EUGENE ISLAND              7000.0 COLUMBIA GAS TRANSMI
-MARATHON OIL COMPANY                    RECEIVED: 08/05/80  JA: LA  3
8052861   GO-1437        1770440463 102   EAST CAMERON BLOCK 321 WELL A-27       EAST CAMERON SOUTH ADDIT    135.0 TEXAS EASTERN TRANSM
8052857   GO-1436        1770440463 102   EAST CAMERON BLOCK 321 WELL A-27D      EAST CAMERON SOUTH ADDIT    110.0 TEXAS EASTERN TRANSM
-MOBIL OIL EXPLORATION & PROD S E        RECEIVED: 08/05/80  JA: LA  3
8052859   GO-1412        1771340037 102   SOUTH PELTO 11 #18-B                   SOUTH PELTO                1100.0 TRANSCONTINENTAL GAS
-OCEAN PRODUCTION CO                     RECEIVED: 08/05/80  JA: LA  3
*8052862  GO-1456        1770340081 102   OCS-G 2562 NO 28                       EAST CAMERON                700.0 MICHIGAN-WISCONSIN P
-SHELL OIL CO                            RECEIVED: 08/05/80  JA: LA  3

8052864   GO-1454        1770640261 102   A-15                                   VERMILION                   765.0 NATURAL GAS PIPELINE
*8052863  GO-1446        1781740085 102   OCS G - 2968 NO A-3                    MISSISSIPPI CANYON          600.0 SOUTHERN NATURAL GAS
8052858   GO-1457        1772340084 102   OCS-G 1609 NO D26                      SOUTH PASS                   33.0 SOUTHERN NATURAL GAS
8052867   GO-1461        1772340046 102   OCS-G 1614 NO 32                       SOUTH PASS                   75.0 SOUTHERN NATURAL GAS
-AMINOIL DEVELOPMENT INC                 RECEIVED: 08/05/80  JA: TX  3
*8052856  GO-1245        4271140209 102   OCS-G-2421 WELL NO A-11                HIGH ISLAND                1825.0 NATURAL GAS PIPELINE
-AMOCO PRODUCTION CO                     RECEIVED: 08/05/80  JA: TX  3
8052866   G9-1145        4270940327 102   OCS-G-2697 #A-14                       HIGH ISLAND AREA - SOUTH   1500.0 NORTHERN NATURAL GAS
8052869   GO-1242        4270940368 102   OCS-G-2698 #B-3                        HIGH ISLAND AREA - SOUTH   1825.0 NORTHERN NATURAL GAS
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** U.S. GEOLOGICAL SURVEY - ALBUQUERQUE,NM
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-AMERADA HESS CORPORATION                RECEIVED: 08/06/80  JA: NM  4
8052932   NM-0481-80     3003922164 103   J APACHE I #7                          PICTURED CLIFFS             132.0 EL PASO NATURAL GAS
8052891   NM-4794-79     3003906005 108   JICARILLA APACHE F #2 (DUAL GAS)       OTERO                         7.2 EL PASO NATURAL GAS
8052900   NM-4523-79     3003906009 108   JICARILLA APACHE F #4                  OTERO                        20.8 EL PASO NATURAL GAS
-AMOCO PRODUCTION CO                     RECEIVED: 08/06/80  JA: NM  4
8052909   NM-0465-80     3003922175 103   JICARILLA CONTRACT 146 #17E            BASIN DAKOTA                102.0 NORTHWEST PIPELINE C
8052935   NM-0466-80     3003922180 103   JICARILLA CONTRACT 146 #22E            BASIN DAKOTA                222.0 NORTHWEST PIPELINE C
-ARCO OIL AND GAS COMPANY                RECEIVED: 08/06/80  JA: NM  4
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 8052957   NM-0546-80      3003922112 103   JICARILLA #109                            W LINDRITH                  56.0 EL PASO NATURAL GAS
-BELCO PETROLEUM CORPORATION               RECEIVED: 08/06/80  JA: NM  4
 8052896   NM-4502-79      3001520232 108   JAMES RANCH #3 20232                      LOS MEDANOS MORROW           1.9 NATURAL GAS PIPELINE
-BENSON-MONTIN-GREER DRILLING CORP         RECEIVED: 08/06/80  JA: NM  4
 8052931   NM-0480-80      3004505700 108   FOSTER-RIDDLE #4                          BALLARD PICTURED CLIFFS     21.0 EL PASO NATURAL GAS
-CONOCO INC                                RECEIVED: 08/06/80  JA: NM  4
 8052936   NM-0467-80      3002526671 103   JACK B-17 NO 7                            NMFU-LANGLIE MATTIX 7 RI    40.0 EL PASO NATURAL GAS
-CONSOLIDATED OIL & GAS INC                RECEIVED: 08/06/80  JA: NM  4
 8052893   NM-0349-80      3004500000 108   CANDADO NO 1                              BASIN-DAKOTA BLANCO MESA    16.0 GAS CO OF NEW MEXICO
 8052914   NM-0470-80-B 3004523615 103   GROSS 1-M (DK)                            BASIN-DAKOTA                 0.0 SOUTHERN UNION GATHE
*8052913   NM-0470-80-A 3004523615 103   GROSS 1-M (MV)                            BLANCO MESAVERDE             0.0 SOUTHERN UNION GATHE
-DOYLE HARTMAN OIL OPERATOR                RECEIVED: 08/06/80  JA: NM  4
 8052912   NM 0468-80      3002526701 103   FEDERAL JALMAT COM NO 1                   JALMAT                     121.0 EL PASO NATURAL GAS
-EL PASO NATURAL GAS COMPANY               RECEIVED: 08/06/80  JA: NM  4
 8052929   NM-0478-80-A 3004522878 103   ATLANTIC A #6A (MV)                       BLANCO MESAVERDE           140.0 EL PASO NATURAL GAS
 8052930   NM-0478-80-B 3004522878 103   ATLANTIC A #6A (PC)                       BLANCO PICTURED CLIFFS     220.0 EL PASO NATURAL GAS
*8052925   NM-0493-80      3003920278 108   CANYON LARGO UNIT #154                    OTERO-CHACRA GAS            20.0 EL PASO NATURAL GAS
 8052951   NM-0516-80      3003920544 108   CANYON LARGO UNIT #181                    BALLARD-PICTURED CLIFFS     20.0 EL PASO NATURAL GAS
 8052952   NM-0518-80      3004511912 108   DAY A #6                                  BLANCO-PICTURED CLIFFS G    16.0 EL PASO NATURAL GAS
 8052923   NM-0491-80      3004513085 108   GRAMBLING #4                              BLANCO-PICTURED CLIFFS G    20.0 EL PASO NATURAL GAS
 8052924   NM-0492-80      3004521150 108   HARDIE #12                                BLANCO-PICTURED CLIFFS G    20.0 EL PASO NATURAL GAS
 8052922   NM-0489-80      3004521522 108   HOWELL F #2 CH & PC                       LARGO-CHACRA & SOUTH BLA    20.0 EL PASO NATURAL GAS
*8052926   NM-0495-80      3004511944 108   HUERFANO UNIT #159                        BASIN-DAKOTA GAS            20.0 EL PASO NATURAL GAS
*8052938   NM 561-80       3004521649 103   HUERFANO UNIT #270                        BASIN DAKOTA                25.0 EL PASO NATURAL GAS
 8052901   NM-0456-80      3004523854 103   JOHNSTON #7A                              BLANCO MESAVERDE           180.0 EL PASO NATURAL GAS
 8052902   NM-0457-80      3004523843 103   LODEWICK #9E                              BASIN DAKOTA               110.0 EL PASO NATURAL GAS
 8052944   NM-0504-80      3004509293 108   LUDWICK #12                               BLANCO-MESAVERDE GAS        20.0 EL PASO NATURAL GAS
 8052949   NM-0513-80      3004508700 108   LUDWICK #14 MV & PC                       BLANCO - (MV) AZTEC - (P    19.0 EL PASO NATURAL GAS
 8052954   NM-0527-80      3004505991 108   LUTHY A #2                                SOUTH BLANCO-PICTURED CL    18.0 EL PASO NATURAL GAS
 8052947   NM-0511-80      3004505816 108   MCCONNELL #2                              BALLARD-PICTURED CLIFFS     20.0 EL PASO NATURAL GAS
 8052955   NM-0528-80      3003906340 108   REAMS A #3                                SOUTH BLANCO-PICTURED CL    20.0 EL PASO NATURAL GAS
 8052921   NM-0488-80      3004520773 108   RIDDLE B #6                               BLANCO-PICTURED CLIFFS G    20.0 EL PASO NATURAL GAS
 8052928                   3004523684 103   RIDDLE F #1A                              BLANCO MESAVERDE           150.0 EL PASO NATURAL GAS
 8052937   NM-0560-80      3003907179 108   SAN JUAN 27-4 UNIT #1                     BLANCO-MESAVERDE GAS         2.0 EL PASO NATURAL GAS
 8052934   NM-0485-80      3003920886 108   SAN JUAN 27-4 UNIT #77                    TAPACITO-PICTURED CLIFFS    20.0 EL PASO NATURAL GAS
 8052942   NM-0501-80      3003920824 108   SAN JUAN 27-4 UNIT #83                    TAPACITO-PICTURED CLIFFS    21.0 EL PASO NATURAL GAS
*8052956   NM-0536-80      3003982364 108   SAN JUAN 27-5 UNIT #71 MV & PC            BLANCO-MESAVERDE GAS        26.0 EL PASO NATURAL GAS
 8052941   NM-0499-80      3003920897 108   SAN JUAN 28-6 UNIT #194                   SOUTH BLANCO-PICTURED CL    20.0 EL PASO NATURAL GAS
 8052946   NM-0509-80      3003907268 108   SAN JUAN 28-6 UNIT #41                    BLANCO-MESAVERDE GAS        20.0 EL PASO NATURAL GAS
 8052948   NM-0512-80      3003906898 108   SAN JUAN 28-7 UNIT #17                    SOUTH BLANCO-PICTURED CL    20.0 EL PASO NATURAL GAS
 8052943   NM-0503-80      3003907192 108   SAN JUAN 28-7 UNIT #34                    BLANCO-MESAVERDE            20.0 EL PASO NATURAL GAS
 8052940   NM-0498-80      3003908118 108   SAN JUAN 29-7 UNIT #100                   BASIN-DAKOTA GAS            20.0 EL PASO NATURAL GAS
 8052950   NM-0487-80      3003907728 108   SAN JUAN 30-4 UNIT #28                    BLANCO-MESAVERDE GAS        18.0 EL PASO NATURAL GAS

 8052945   NM-0507-80      3004511185 108   SCOTT #2                                  BLANCO-MESAVERDE GAS        18.0 EL PASO NATURAL GAS
 8052953   NM-0525-80      3004509295 108   SUNRAY D #1                               BASIN-DAKOTA GAS            18.0 EL PASO NATURAL GAS
-GETTY OIL COMPANY                         RECEIVED: 08/06/80  JA: NM  4
 8052892   NM-0346-80      3003905812 108   JICARILLA C NO 9                          BLANCO P CLIFFS & OTERO     18.0 EL PASO NATURAL GAS
-J GREGORY MERRION & ROBT L BAYLESS        RECEIVED: 08/06/80  JA: NM  4
 8052915   NM-0471-80      3004523692 103   DA-ON-PAH #1                              SOUTH GALLEGOS FRUITLAND    16.0 EL PASO NATURAL GAS
 8052916   NM-0472-80      3004523592 103   HICKMAN #7                                WILDCAT                     31.0 EL PASO NATURAL GAS
 8052917   NM-0474-80      3004523839 103   RUBY #1                                   WAW FRUITLAND/PICTURED C    19.0 EL PASO NATURAL GAS
 8052894   NM-427-80       3004523886 103   SOUTHLAND #7                              WAW FRUITLAND/PICTURED C    35.0 EL PASO NATURAL GAS
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                                                                                     VOLUME  272           PAGE  008
JD NO     JA DKT        API NO      SEC D WELL NAME                          FIELD NAME                PROD     PURCHASER
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-JEROME P MCHUGH                        RECEIVED:  08/06/80  JA: NM  4
 8052895   NM-4509-79   3003921754 103   CHRIS #3A                           BLANCO MESAVERDE              0.0 NORTHWEST PIPELINE C
-MESA PETROLEUM                         RECEIVED:  08/06/80  JA: NM  4
 8052933   NM-0482-80   3001522727 102   WELLS FEDERAL #2                    ATOKA                       106.0 NORTHERN NATURAL GAS
-PETROLEUM CORP OF DELAWARE             RECEIVED:  08/06/80  JA: NM  4
 8052908   NM-0463-80   3001522395 103   SUPERIOR-FEDERAL UNIT I NO 4        EAST BURTON FLAT (STRAWN    290.0 EL PASO NATURAL GAS
-SHELL OIL CO                           RECEIVED:  08/06/80  JA: NM  4
 8052899   NM-4522-79   3004505415 108   CARSON UNIT NO 41-14                BISTI                         0.0 EL PASO NATURAL GAS
 8052897   NM-4520-79   3004505453 108   CARSON UNIT 11 NO 34                BISTI                        10.0 EL PASO NATURAL GAS
 8052898   NM-4521-79   3004500000 108   CARSON UNIT 13-11                   BISTI                        11.0 EL PASO NATURAL GAS
-SOUTHLAND ROYALTY CO                   RECEIVED:  08/06/80  JA: NM  4
 8052919   NM-0454-80   3004523914 103   MCCLANAHAN #16E                     BASIN                        80.0 SOUTHERN UNION GATHE
 8052911   NM-0335-80   3004523153 103   REID A #2R                          AZTEC                        75.0 EL PASO NATURAL GAS
-TENNECO OIL COMPANY                    RECEIVED:  08/06/80  JA: NM  4
 8052905   NM-0460-80   3004523975 103   DAY #5                              BASIN DAKOTA                500.0 EL PASO NATURAL GAS
 8052903   NM-0458-80   3004523977 103   FLORANCE #118                       BASIN DAKOTA                500.0 EL PASO NATURAL GAS
 8052906   NM-0461-80   3004523294 103   M JACKSON #2-A                      BLANCO MESAVERDE            778.0 SOUTHERN UNION GATHE
 8052907   NM-0462-80   3004523966 103   PRICE #3                            BASIN DAKOTA                500.0 EL PASO NATURAL GAS
 8052904   NM-0459-80   3004523823 103   VANDEWART #1                        BASIN DAKOTA                500.0 EL PASO NATURAL GAS
-YATES PETROLEUM CORPORATION            RECEIVED:  08/06/80  JA: NM  4
 8052918   NM-0474-80   3001523206 103   MOBIL CI FEDERAL NO 3               PENASCO DRAW SA YESO          0.0 TRANSWESTERN PIPELIN
 8052927   NM-0476-80   3001523212 103   MOBIL CI FEDERAL NO 4               PENASCO DRAW SA YESO          0.0 TRANSWESTERN PIPELIN
 8052910   NM-0322-80   3001523074 102   RIO PENASCO MF FEDERAL NO 1         UNDESIGNATED MORROW           0.0 TRANSWESTERN PIPELIN
-TEXACO INC                             RECEIVED:  08/06/80  JA: UT  4
 8052920   UA-0455-80   4303730516 103   ANETH UNIT NO G-221X                ANETH                        14.6 EL PASO NATURAL GAS
-WEXPRO COMPANY                         RECEIVED:  08/06/80  JA: UT  4
 8052939   UA-0574-80   4303730499 102   BUG NO 1                            WILDCAT S12-T36S-R25E       206.0
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** U.S. GEOLOGICAL SURVEY - CASPER,WY
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-COSEKA RESOURCES (USA) LIMITED         RECEIVED:  08/06/80  JA: CO  5
 8052883   CC 1379-9    0510308436 102   #3-20-4-102                         THUNDER                     302.0 NORTHWEST PIPELINE C
-MOBIL OIL CORP                         RECEIVED:  08/06/80  JA: CO  5
 8052873   CC 1309-98   0510308340 102   PICEANCE CREEK F23-18G USA          PICEANCE CREEK              500.0 NORTHWEST PIPELINE C
 8052870   CC 583-9R    0510307890 102   PICEANCE CREEK F31-13G USA          PICEANCE CREEK              500.0 NORTHWEST PIPELINE C
-NORTHWEST EXPLORATION COMPANY          RECEIVED:  08/06/80  JA: CO  5
 8052885   CC 1152-9    0510307831 108   PHILADELPHIA CREEK #8               CATHEDRAL                    16.0 NORTHWEST PIPELINE C
-RAINBOW RESOURCES INC                  RECEIVED:  08/06/80  JA: CO  5
 8052871   CC 838-9     0508106294 102   FEDERAL 24-19                       STATE LINE                  365.0 NORTHWEST PIPELINE C
-MIDLANDS GAS CORPORATION               RECEIVED:  08/06/80  JA: MT  5
 8052879   M 1115-9     2507121274 108   0913 FEDERAL 1                      BOWDOIN                       5.0 KANSAS-NEBRASKA NATU
-SOUTHLAND ROYALTY CO                   RECEIVED:  08/06/80  JA: MT  5
 8052881   M 1340-9     2507121617 103   FEDERAL 1-8-60NE                    BOWDOIN LORING               36.0 KANSAS NEBRASKA NATU
 8052884   M 1341-9     2507121700 103   FEDERAL 1-8-62NE                    BOWDOIN LORING               36.0 KANSAS NEBRASKA NATU
-SHELL OIL CO                           RECEIVED:  08/06/80  JA: ND  5
 8052887   ND 1371-9    3305300863 102   USA 14-27-33                        MONDAK                       29.0 MONTANA DAKOTA UTILI
 8052890   ND 1377-9    3305300821 102   USA 31-32-19                        MONDAK                       11.0 MONTANA DAKOTA UTILI
 8052888   ND 1370-9    3305300796 102   USA 32-2-9                          MONDAK                       15.5 MONTANA DAKOTA UTILI
 8052889   ND 1376-9    3305300818 102   USA 42-13-13                        MONDAK                       22.0 MONTANA DAKOTA UTILI
-TENNECO OIL COMPANY                    RECEIVED:  08/06/80  JA: ND  5
 8052878   ND 1318-9    3300700378 102   STUART USA # 2-7                    BIG STICK                   460.0 WESTERN GAS PROCESSO
-TEXACO INC                             RECEIVED:  08/06/80  JA: ND  5
 8052877   ND 1315-9    3305300889 102   SILURIAN UNIT 4 WELL NO 1           CHARLSON FIELD               76.0 MONTANA DAKOTA UTILI
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                                                                            VOLUME  272           PAGE  009
 JD NO     JA DKT        API NO      SEC D WELL NAME                             FIELD NAME           PROD     PURCHASER
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-CONOCO INC                              RECEIVED: 08/06/80  JA: UT  5

 8052886   UC 1362-9     4304730643 103   CONOCO DUNCAN FED 33 NO 9              OURAY               182.0 MOUNTAIN FUEL SUPPLY
-GRACE PETROLEUM CORPORATION             RECEIVED: 08/06/80  JA: UT  5
 8052882   UC 1122-9     4301915661 108   DAKOTA M-2                             WESTWATER             3.0 NORTHWEST PIPELINE C
-ANADARKO PRODUCTION COMPANY             RECEIVED: 08/06/80  JA: WY  5
 8052876    W 1308-9     4903721354 102   PINE CANYON NO 1-18 (DAKOTA)           PINE CANYON        1368.0 PANHANDLE EASTERN PI
-BURTON/HAWKS INC                        RECEIVED: 08/06/80  JA: WY  5
 8052872    W 1254-9     4901320411 102   #1 HOPE-ANTELOPE FEDERAL               EAST ANTELOPE       180.0
-C & K PETROLEUM INC                     RECEIVED: 08/06/80  JA: WY  5
 8052880    W 1319-9     4903721214 102   LINCOLN ROAD UNIT NO 11                                     45.0 NORTHWEST PIPELINE C
-COTTON PETROLEUM CORPORATION            RECEIVED: 08/06/80  JA: WY  5
*8052874    W1158-9      4900720495 103   YATES-FEDERAL 28-1                     WILD ROSE             0.0 COLORADO INTERSTATE
-DIAMOND SHAMROCK CORPORATION            RECEIVED: 08/06/80  JA: WY  5
 8052875    W 1271-9     4900921576 103   MERLE FEDERAL NO 23-29                 SCOTT                12.0

 OTHER PURCHASERS
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8052845     EL PASO NATURAL GAS CO
8052856     TRANSCONTINENTAL GAS PIPELINE CORP
8052860     FLORIDA GAS TRANSMISSION CO
8052862     NATURAL GAS PIPELINE CO OF AMERICA
8052863     FLORIDA GAS TRANSMISSION CO
8052865     FLORIDA GAS TRANSMISSION CO
8052874     UNITED GAS PIPELINE CO
8052913     EL PASO NATURAL GAS CO
8052925     NORTHWEST PIPELINE CORP
8052926     NORTHWEST PIPELINE CORP
8052938     NORTHWEST PIPELINE CORP
8052956     NORTHWEST PIPELINE CORP
8052964     PRODUCERS GAS CO
8052968     CHASE GATHERING SYSTEMS INC
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BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf).

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before October 2, 1980.

Please reference the FERC Control Number (JD NO) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28425 Filed 9-16-80; 8:45 am]

BILLING CODE 6450-85-M

[Volume 273]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued September 5, 1980.

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 JD NO    JA DKT       API NO     SEC D WELL NAME                         FIELD NAME              PROD     PURCHASER
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*****************************************************************************
   LOUISIANA OFFICE OF CONSERVATION
*****************************************************************************
-GREAT SOUTHERN OIL & GAS CO INC      RECEIVED: 08/13/80  JA: LA
 8053155  80-96        1700101556 102   HOUSSIERE LATREILLE #1            NORTH JENNINGS             350.0 UNITED GAS PIPELINE
-MARSHALL EXPLORATION INC             RECEIVED: 08/13/80  JA: LA
 8053154  80-2827      1703120858 103   FBG RA SU 85 INGLET #1            LOGANSPORT                   0.0 TENNESSEE GAS PIPELI
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   MONTANA BOARD OF OIL & GAS CONSERVATION
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-FULTON PRODUCING COMPANY             RECEIVED: 08/15/80  JA: MT
*8053157  6-80-175     2510121674 102   PARSELL NO 24-25                  MINERS COULEE              480.0 MINERS COULEE GAS CO
*8053156  6-80-174     2510121675 102   PARSELL NO 31-25                  MINERS COULEE               36.0 MINERS COULEE GAS CO
*****************************************************************************
   NEW MEXICO DEPARTMENT OF ENERGY & MINERALS
*****************************************************************************
-APOLLO OIL COMPANY                   RECEIVED: 08/13/80  JA: NM
 8053152               3002520361 108   LOVINGTON STATE 9-2               MIDWAY ABO                   0.0 PHILLIPS PETROLEUM C
-C & E OPERATORS INC                  RECEIVED: 08/13/80  JA: NM
 8053153               3004500000 108   LARCHER #3                        BLANCO P C                  21.0 EL PASO NATURAL GAS
-EL PASO NATURAL GAS COMPANY          RECEIVED: 08/13/80  JA: NM
 8053151               3003920144 108   SOUTHERN PETROLEUM COM #4         OTERO CHACRA GAS            20.8 EL PASO NATURAL GAS
-PENNZOIL COMPANY                     RECEIVED: 08/13/80  JA: NM
 8053150               3001520361 108   AID STATE COM #1 K 3630           AID MORROW GAS               9.0 TRANSWESTERN PIPELIN
*****************************************************************************
   TEXAS RAILROAD COMMISSION
*****************************************************************************
-ALPAR RESOURCES INC                  RECEIVED: 08/14/80  JA: TX
 8053262  17470        4221131128 103   FRENCH ARRINGTON 3-54             HEMPHILL (GRANITE WASH)    365.0 NORTHERN NATURAL GAS
-AMERICAN PUBLIC ENERGY CO            RECEIVED: 08/14/80  JA: TX
 8053375  18077        4221131078 102   RUTH CABE #1                      FELDMAN (MORROW LOWER A    720.0 TRANSWESTERN PIPELIN
-AMOCO PRODUCTION CO                  RECEIVED: 08/14/80  JA: TX
 8053236  16945        4207931103 103   DEAN B UNIT #151                  SLAUGHTER                    3.5 EL PASO NATURAL GAS
 8053205  15764        4203931251 103   JOSEPH H HEIM JR NO 3             CHENANGO (9500)            109.0 AMOCO GAS CO
-ARCO OIL AND GAS COMPANY             RECEIVED: 08/14/80  JA: TX
 8053337  17825        4221501599 108   ETHEL L CARTER ET AL #1           TABASCO (R)                 10.2 TENNESSEE GAS PIPELI
 8053258  17450        4236530731 103   G T ALLISON GAS UNIT WELL NO 4    CARTHAGE (COTTON VALLEY)   450.0 SOUTHERN NATURAL GAS
 8053166  15218        4213500049 108   H E CUMMINS A WELL #3-UT          GOLDSMITH (5600)             5.0 PHILLIPS PETROLEUM C
 8053340  17828        4213100318 108   HAGIST RANCH F-1                  HAGIST RANCH                17.2 NATURAL GAS PIPELINE
 8053269  17509        4221530854 103   J M MORIN #1                      DONNA                        7.5 TENNESSEE GAS PIPELI
 8053342  17831        4213100165 108   J R FOSTER #18                    HAGIST RANCH                 8.3 NATURAL GAS PIPELINE
 8053341  17829        4213100000 108   J R FOSTER #2                     HAGIST RANCH                15.7 NATURAL GAS PIPELINE
 8053343  17832        4221501268 108   RICE UNIT #2-L                    DONNA                       15.8 TENNESSEE GAS PIPELI
 8053339  17827        4221530931 103   TEMPLE W WEST #31                 TABASCO (O)                550.0 TENNESSEE GAS PIPELI
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 JD NO      JA DKT           API NO       SEC D WELL NAME                   FIELD NAME                PROD    PURCHASER
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 8053336    17824            4221500761  108   TEMPLE W WEST #4             TABASCO (M)               15,6 TENNESSEE GAS PIPELI
 8053210    16040            4223530517  108   W M NOELKE ESTATE #52        MERTZON                    0,3 NORTHERN NATURAL GAS
 8053338    17826            4221500797  108   W T ELLIS GAS UNIT #1        TABASCO (S)                9,2 TENNESSEE GAS PIPELI
*ART MACHIN & ASSOCIATES INC              RECEIVED: 08/14/80  JA: TX
 8053206    15771            4240130825  103   D B COMPTON #1 WELL          WILDCAT                  110,0 DELHI GAS PIPELINE C
*B D K PRODUCTION CO INC                  RECEIVED: 08/14/80  JA: TX
 8053392    18408            4228531439  102   MAE JONES WELL NO 1          KEMPER EAST              100,0
*B R WILDER & S L TISDALE                 RECEIVED: 08/14/80  JA: TX

 8053263    17472            4240100000  103   MARDELL WEBSTER NO 1         MINDEN (TRAVIS PEAK 7500 120,0 FERGUSON CROSSING PI
*BOCK & BACON                             RECEIVED: 08/14/80  JA: TX
 8053231    16613            4219900000  103   SANTA FE ENERGY #1           DUNFORD (3RD COOK MTN) P 144,0 TRUNKLINE GAS CO
*BRITTON MANAGEMENT CORP                  RECEIVED: 08/14/80  JA: TX
 8053202    15690            4222731887  103   DEVANEY 2-32 (25181)         COAHOMA NORTH (FUSSEL)    63,9 GETTY OIL CO
*C R GALLAGHER JR                         RECEIVED: 08/14/80  JA: TX
 8053232    16614            4213331918  103   WILLIAMS #1                  DUSTER N E (MARBLE FALLS  54,0 LONE STAR GAS CO
*CANUS PETROLEUM INC                      RECEIVED: 08/14/80  JA: TX
 8053270    17510            4232330796  102   R C CAGE 45-1                CAGE RANCH               144,0 LOVACA GATHERING CO
*CENTEX OIL & GAS INC                     RECEIVED: 08/14/80  JA: TX
 8053264    17473            4224500000  103   HIGH ISLAND BLOCK 10-L WELL NO 2U  HIGH ISLAND BLOCK 10-L G    0,0 TRANSCONTINENTAL GAS
*CHAMPLIN PETROLEUM COMPANY               RECEIVED: 08/14/80  JA: TX
 8053276    17579            4245130534  103   A H DUFF ESTATE A NO 1       DOVE CREEK (CANYON 0)     91,0 NORTHERN NATURAL GAS
 8053272    17512            4236500000  103   CARTHAGE GAS UNIT 9-2        CARTHAGE (COTTON VALLEY) 380,0 TENNESSEE GAS PIPELI
*CHEVRON U S A INC                        RECEIVED: 08/14/80  JA: TX
 8053275    17578            4249531039  103   W E BAIRD 13-67              KEYSTONE                  20,0 TRANSWESTERN PIPELIN
*CHRISTIE ENERGY CO INC                   RECEIVED: 08/14/80  JA: TX
 8053228    16492            4214330384  103   GASTON B GARRETT G U WELL #1 MORGAN MILL (MARBLE FALL  73,0 ENERGY PIPELINE CO
*CONOCO INC                               RECEIVED: 08/14/80  JA: TX
 8053283    17675            4227500000  108   ALMA H ORSBORN #10 ID #04327            KATZ                 0,8 CITIES SERVICE OIL C
 8053284    17678            4243300000  108   ARTHUR BRINKLEY JR A #10 ID #04263      FLOWERS              0,7 CITIES SERVICE OIL C
 8053285    17679            4243300000  108   ARTHUR BRINKLEY JR A #37 ID #04263      FLOWERS              0,5 CITIES SERVICE OIL C
 8053286    17697            4238900000  108   FORD GERALDINE UNIT #174 ID #21021      GERALDINE FORD       0,4 EL PASO NATURAL GAS
 8053287    17698            4238900000  108   FORD GERALDINE UNIT #194                GERALDINE FORD       0,4 EL PASO NATURAL GAS
 8053288    17699            4238900000  108   FORD GERALDINE UNIT #199 ID #21021      GERALDINE/FORD       0,1 EL PASO NATURAL GAS
 8053289    17700            4238900000  108   FORD GERALDINE UNIT #220 ID #21021      GERALDINE FORD       0,7 EL PASO NATURAL GAS
 8053290    17701            4238900000  108   FORD GERALDINE UNIT #221 ID #21021      GERALDINE FORD       0,1 EL PASO NATURAL GAS
 8053291    17702            4238900000  108   FORD GERALDINE UNIT #249 ID #21021      GERALDINE FORD       0,7 EL PASO NATURAL GAS
 8053292    17703            4238900000  108   FORD GERALDINE UNIT #313 ID #21021      GERALDINE FORD       0,6 EL PASO NATURAL GAS
 8053293    17704            4238900000  108   FORD GERALDINE UNIT #325 ID #21021      GERALDINE FORD       0,4 EL PASO NATURAL GAS
 8053295    17706            4238900000  108   G E RAMSEY JR 14 #3 ID #24241           FORD WEST            2,8 EL PASO NATURAL GAS
 8053294    17705            4238900000  108   G E RAMSEY JR 8 #2 ID #21020            GERALDINE/FORD       6,0 EL PASO NATURAL GAS
 8053297    17708            4222700000  108   G O CHALK B #10 ID #02686               HOWARD GLASSCOCK     0,5 PHILLIPS PETROLEUM C
 8053296    17707            4222700000  108   G O CHALK B #9 ID #02686                HOWARD GLASSCOCK     0,5 PHILLIPS PETROLEUM C
 8053298    17709            4222700000  108   G O CHALK D #1 ID #02688                HOWARD GLASSCOCK     0,2 PHILLIPS PETROLEUM C
 8053299    17710            4222700000  108   G O CHALK D #11 ID #02688               HOWARD GLASSCOCK     0,3 PHILLIPS PETROLEUM C
 8053300    17711            4222700000  108   G O CHALK D #15 ID #02688               HOWARD GLASSCOCK     0,7 PHILLIPS PETROLEUM C
 8053301    17712            4243300000  108   GUEST CANYON SAND UNIT #35              GUEST                0,5 CITIES SERVICE OIL C
 8053302    17713            4243300000  108   GUEST CANYON SAND UNIT #41              GUEST                0,3 CITIES SERVICE OIL C
 8053303    17715            4222700000  108   H R CLAY #12 ID #02690                  HOWARD GLASSCOCK     0,9 PHILLIPS PETROLEUM C
 8053304    17716            4222700000  108   H R CLAY #15 ID #02690                  HOWARD GLASSCOCK     0,5 PHILLIPS PETROLEUM C
 8053305    17717            4222700000  108   H R CLAY #17 ID #02690                  HOWARD GLASSCOCK     0,4 PHILLIPS PETROLEUM C
 8053306    17718            4222700000  108   H R CLAY #19 ID #02690                  HOWARD GLASSCOCK     0,7 PHILLIPS PETROLEUM C
 8053307    17719            4222700000  108   H R CLAY #20 ID #02690                  HOWARD GLASSCOCK     0,3 PHILLIPS PETROLEUM C
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 JD NO     JA DKT        API NO     SEC D WELL NAME                           FIELD NAME                  PROD  PURCHASER
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 8053309   17720         4222700000 108   H R CLAY #24 ID #02690              HOWARD GLASSCOCK             0.9 PHILLIPS PETROLEUM C
 8053310   17721         4222700000 108   H R CLAY #28 ID #02690              HOWARD GLASSCOCK             0.5 PHILLIPS PETROLEUM C
 8053312   17724         4222700000 108   H R CLAY A #11 ID #02691            HOWARD GLASSCOCK             0.1 PHILLIPS PETROLEUM C
 8053308   17722         4222700000 108   H R CLAY A #5 ID #02691             HOWARD GLASSCOCK             0.1 PHILLIPS PETROLEUM C
 8053311   17723         4222700000 108   H R CLAY A #8 ID #02691             HOWARD GLASSCOCK             0.1 PHILLIPS PETROLEUM C
 8053313   17758         4213500000 108   TXL 44-43 #4 ID #16192              LAWSON                       2.7 PHILLIPS PETROLEUM C
 8053320   17765         4200300000 108   W H BONER A #16 ID #01663           FUHRMAN-NIX                  0.2 PHILLIPS PET CO
 8053319   17764         4200300000 108   W H BONER A #2 ID #01663            FUHRMAN-NIX                  1.0 PHILLIPS PET CO
 8053314   17759         4243300000 108   WEST FLOWERS UNIT #47 ID #11787     FLOWERS WEST                 0.4 CITIES SERVICE OIL C
 8053315   17760         4200300000 108   WEST FUHRMAN-MASCHO UNIT #32        FUHRMAN-MASCHO               0.8 PHILLIPS PETROLEUM C
 8053316   17761         4200300000 108   WEST FUHRMAN-MASCHO UNIT #67        FUHRMAN-MASCHO               0.9 PHILLIPS PET CO
 8053318   17763         4200300000 108   WEST FUHRMAN-MASCHO UNIT #85        FUHRMAN-MASCHO               0.6 PHILLIPS PET CO
 8053317   17762         4200300000 108   WEST FUHRMAN-MASCHO UNIT #90        FUHRMAN-MASCHO               1.3 PHILLIPS PET CO
-CONVEST ENERGY CORP                    RECEIVED: 08/14/80  JA: TX

 8053396   19073         4248930602 102   #1 MURRAY V FLOYD ET UX             RAYMONDVILLE FIELD          91.3 TENNESSEE GAS PIPELI
-COQUINA OIL CORPORATION                RECEIVED: 08/14/80  JA: TX
 8053400   19475         4249531074 102   FAYE M HOGG #1                      G P M WEST (TUBB)           90.0 TRANSWESTERN PIPELIN
 8053400   19475         4249531074 103   FAYE M HOGG #1                      G P M WEST (TUBB)           90.0 TRANSWESTERN PIPELIN
-CORPUS CHRISTI LEASEHOLDS INC          RECEIVED: 08/14/80  JA: TX
 8053237   16954         4200730623 102   STATE TRACT 126 NO 1                BAKTELL PASS (J-2) FIELD     0.0 CENTRAL POWER AND LI
 8053245   17303         4200700000 102   STATE TRACT 77 NO 1                 GOUSE ISLAND SOUTH (K-2      0.0 CENTRAL POWER AND LI
-COURSON OIL & GAS INC                  RECEIVED: 08/14/80  JA: TX
 8053240   17006         4235730894 102   RAY #1-43                           MANNA LAKE (MIDDLE MORRO   275.0 TRANSWESTERN PIPELIN
-D & C GAS PROPERTIES INC               RECEIVED: 08/14/80  JA: TX
 8053247   17370         4239300000 108   MOBIL COWAN 1-198 22583             QUINDUNO (LOWER ALBANY D    20.8 NATURAL GAS PIPELINE
-DAVIS OIL COMPANY                      RECEIVED: 08/14/80  JA: TX
 8053204   15738         4208931060 102   EINKAUF #1                          SHERIDAN SW (WILCOX 8500   219.0 TEXAS EASTERN TRANSM
-E T S ENTERPRISES INC                  RECEIVED: 08/14/80  JA: TX
 8053271   17514         4221131107 103   FILLINGIM #1                        BUFFALO WALLOW (GRANITE    280.0 EL PASO NATURAL GAS
-EL PASO NATURAL GAS COMPANY            RECEIVED: 08/14/80  JA: TX
 8053243   17110         4243530702 108   DEBERRY A #8                        SONORA CANYON UPPER GAS     12.0 EL PASO NATURAL GAS
 8053234   16672         4208726179 108   MCDOWELL #5                         PANHANDLE EAST BROWN DUL    19.7 EL PASO NATURAL GAS
-ENERGY RESOURCES OIL & GAS CORP        RECEIVED: 08/14/80  JA: TX
 8053265   17478         4211531262 103   KIDD A #2 62437                     ACKERLY (DEAN SAND)          0.5 TEXACO INC
 8053266   17479         4211531194 103   KIDD 62180                          ACKERLY NORTH (CANYON RE     7.7 TEXACO INC
-ENRICH OIL CORPORATION                 RECEIVED: 08/14/80  JA: TX
 8053248   17377         4235330767 102   FOSTER PRICE #1                     JMM SOUTH (COOK)           175.0 SUN GAS CO
-ENTERPRISE RESOURCES INC               RECEIVED: 08/14/80  JA: TX
 8053395   19026         4208930950 102   BAYOU PROPERTIES GAS UNIT #1        BERNARDO RANCH (9150)      142.0 SOUTH JERSEY EXPLORA
-EXXON CORPORATION                      RECEIVED: 08/14/80  JA: TX
 8053167   15227         4200331840 103   FULLERTON (CLEARFORK) UNIT #1533    FULLERTON                   25.0 PHILLIPS PETROLEUM C
 8053158   15047         4210332068 103   J B TUBB B #21                      SAND HILLS (JUDKINS)       145.0 EL PASO NATURAL GAS
*8053207   15774         4210332060 103   J B TUBB C #19U                     SAND HILLS (JUDKINS)       143.0 EL PASO NATURAL GAS
 8053208   15775         4231131064 103   J C DILWORTH JR #14 ID #83702       DILWORTH (EDWARDS LIME)    547.0 TRANSCONTINENTAL PIP
*8053175   15468         4210332061 103   JUDKINS GAS UNIT #3 WELL #3         SAND HILLS (JUDKINS) GAS   120.0 EL PASO NATURAL GAS
 8053165   15200         4242731243 102   MIGUEL JUAREZ 6-D (83318)           KELSEY SOUTH (6945)        100.0 TRUNKLINE GAS CO
 8053165   15200         4242731243 103   MIGUEL JUAREZ 6-D (83318)           KELSEY SOUTH (6945)        100.0 TRUNKLINE GAS CO
 8053159   15050         4213131994 103   V KOHLER A 122-D 06096              VIGGO (QUEEN CITY NO 1)     37.0 TENN GAS PIPELINE CO
-FERGUSON & BOSWORTH AND ASSOCIATES     RECEIVED: 08/14/80  JA: TX
 8053277   17582         4216531643 103   R&S PETROLEUM - PRESLEY #3          SEMINOLE EAST (SAN ANDRE     7.5 PHILLIPS PETROLEUM C
-FOY BOYD ASSOCIATES INC                RECEIVED: 08/14/80  JA: TX
 8053229   16502         4245100000 108   BEN L KEYES #1                      SUSAN PEAK SOUTH             6.0 ARCO OIL & GAS CO
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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
*FRED OLSEN INC					RECEIVED: 08/14/80 JA: TX			
8053382	18115	4205730863	102		STATE TRACT 70 NO 1-LT	FOSTER POINT (FRIO D SAN	325.0	UNITED TEXAS TRANSMI
8053381	18114	4205730863	102		STATE TRACT 70 NO 1-UT	FOSTER POINT (FRIO B SAN	475.0	UNITED TEXAS TRANSMI
*GEODYNAMICS OIL & GAS INC					RECEIVED: 08/14/80 JA: TX			
8053246	17308	4205130428	102		JURRIES #1	CALDWELL (AUSTIN CHALK)	13.0	CHAMPLIN PETROLEUM C
8053393	18470	4205130462	102		JURRIES #2	CALDWELL (AUSTIN CHALK)	114.0	CHAMPLIN PETROLEUM C
8053390	18243	4205130492	102		LYON #1	CALDWELL (AUSTIN CHALK)	215.0	CHAMPLIN PETROLEUM C
*GULF COAST OIL & MINERALS					RECEIVED: 08/14/80 JA: TX			
8053394	18758	4246931459	103		MILTON E SEALE ET AL #1-A ID #82612	NURSERY S (1700)	90.0	TENNESSEE GAS PIPELI
*GULF OIL CORPORATION					RECEIVED: 08/14/80 JA: TX			
8053357	17851	4223300000	108		PITCHER ETAL H C #1	PANHANDLE HUTCHINSON	3.5	GETTY OIL CO
8053366	17861	4223300000	108		PITCHER ETAL H C #11	PANHANDLE HUTCHINSON	3.5	GETTY OIL CO
8053367	17862	4223300000	108		PITCHER ETAL H C #12	PANHANDLE HUTCHINSON	3.5	GETTY OIL CO
8053368	17863	4223300000	108		PITCHER ETAL H C #13	PANHANDLE HUTCHINSON	3.5	GETTY OIL CO
8053358	17852	4223300000	108		PITCHER ETAL H C #2	PANHANDLE HUTCHINSON	3.5	GETTY OIL CO
8053359	17853	4223300000	108		PITCHER ETAL H C #3	PANHANDLE HUTCHINSON	3.5	GETTY OIL CO
8053360	17854	4223300000	108		PITCHER ETAL H C #4	PANHANDLE HUTCHINSON	3.5	GETTY OIL CO
8053361	17856	4223300000	108		PITCHER ETAL H C #5	PANHANDLE HUTCHINSON	3.5	GETTY OIL CO
8053362	17857	4223300000	108		PITCHER ETAL H C #6	PANHANDLE HUTCHINSON	3.5	GETTY OIL CO
8053363	17858	4223300000	108		PITCHER ETAL H C #7	PANHANDLE HUTCHINSON	3.5	GETTY OIL CO
8053364	17859	4223300000	108		PITCHER ETAL H C #8	PANHANDLE HUTCHINSON	3.5	GETTY OIL CO
8053365	17860	4223300000	108		PITCHER ETAL H C #9	PANHANDLE HUTCHINSON	3.5	GETTY OIL CO
8053172	15382	4238331192	103		STATE WX NO 1	AMIGO (SAN ANDRES)	0.1	NORTHERN NATURAL GAS
8053209	15824	4247530990	107		T B PRUETT ET AL WELL NO 3	SODA LAKE (FUSSELMAN)	155.1	INTRATEX GAS CO
8053212	16117	4247531588	107		T B PRUETT ET AL WELL NO 4	G-M (PENN)	190.0	INTRATEX GAS CO
8053344	17838	4223300000	108		WATKINS /B/ #1	PANHANDLE HUTCHINSON	3.3	GETTY OIL CO
8053352	17846	4223300000	108		WATKINS /B/ #10	PANHANDLE HUTCHINSON	3.3	GETTY OIL CO
8053353	17847	4223300000	108		WATKINS /B/ #11	PANHANDLE HUTCHINSON	3.3	GETTY OIL CO
8053354	17848	4223300000	108		WATKINS /B/ #13	PANHANDLE HUTCHINSON	3.3	GETTY OIL CO
8053355	17849	4223300000	108		WATKINS /B/ #14	PANHANDLE HUTCHINSON	3.3	GETTY OIL CO
8053356	17850	4223300000	108		WATKINS /B/ #15	PANHANDLE HUTCHINSON	3.3	GETTY OIL CO
8053345	17839	4223300000	108		WATKINS /B/ #2	PANHANDLE HUTCHINSON	3.3	GETTY OIL CO
8053346	17840	4223300000	108		WATKINS /B/ #3	PANHANDLE HUTCHINSON	3.3	GETTY OIL CO
8053347	17841	4223300000	108		WATKINS /B/ #4	PANHANDLE HUTCHINSON	3.3	GETTY OIL CO
8053348	17842	4223300000	108		WATKINS /B/ #5	PANHANDLE HUTCHINSON	3.3	GETTY OIL CO
8053349	17843	4223300000	108		WATKINS /B/ #6	PANHANDLE HUTCHINSON	3.3	GETTY OIL CO
8053350	17844	4223300000	108		WATKINS /B/ #7	PANHANDLE HUTCHINSON	3.3	GETTY OIL CO
8053351	17845	4223300000	108		WATKINS /B/ #9	PANHANDLE HUTCHINSON	3.3	GETTY OIL CO
*HIGHLAND PRODUCTION CO					RECEIVED: 08/14/80 JA: TX			
8053371	17965	4210300000	108		BARNSLEY A NO 1 WELL 20184	RUNNING W (CLEARFORK)	5.8	WARREN PETROLEUM CO
*HILLIARD OIL & GAS INC					RECEIVED: 08/14/80 JA: TX			
8053401	19493	4217531223	102		BUCKNER BAPTIST BENEVOLENCES #1	GOTTSCHALT W	270.0	UNITED GAS PIPE LINE
*HILLIN PRODUCTION CO					RECEIVED: 08/14/80 JA: TX			
8053370	17964	4249500000	108		BARTON #1	KERMIT (QUEEN)	3.6	CABOT CORP
*HNG OIL COMPANY					RECEIVED: 08/14/80 JA: TX			
8053160	15071	4243531937	103		BROWN 78 #2 73317	SAWYER (CANYON)	256.0	INTRATEX GAS CO
8053376	18080	4250530446	108		CATALINA L MCCANN #1 69139	LA PERLA (WILCOX LOWER)	9.0	HOUSTON PIPE LINE CO
8053279	17606	4243530086	108		FIELDS 52 #1 52983	SAWYER (CANYON)	23.0	INTRATEX GAS CO
8053278	17601	4243530101	108		GALBREATH 91 #1 53072	SAWYER (CANYON)	21.0	INTRATEX GAS CO
8053161	15081	4243531413	103		HICKS 35 #1 72042	SAWYER (CANYON)	527.0	INTRATEX GAS CO
8053162	15082	4243531449	103		HICKS 35 #2 72282	SAWYER (CANYON)	761.0	INTRATEX GAS CO
8053244	17139	4200700000	108		J D STANLEY #1-T 09299	ARANSAS PASS EAST (B-2-7	15.0	LOVACA GATHERING CO

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8053377	18083	4250530932	108		LAURO MARTINEZ #2 75658	J C MARTIN (LOBO)	17.0	HOUSTON PIPE LINE CO
8053378	18084	4217500795	108		STELLA JOHNSON #1 40830	TERRELL POINT (CATAHOULA	19.0	TRUNKLINE GAS CO
8053333	17816	4243531360	108		VANDERSTUCKEN 33 #1 73430	SAWYER (CANYON)	1.8	INTRATEX GAS CO
-INEXCO OIL COMPANY					RECEIVED: 08/14/80 JA: TX			
8053397	19215	4221530941	102		ELVIRA B CASAS NO 1	GUADALUPE	548.0	FLORIDA GAS TRANSMIS
-INLAND OCEAN INC					RECEIVED: 08/14/80 JA: TX			
8053235	16747	4213132509	102		ROOS #1	LABBE S (WILCOX UP) FIEL	365.0	TENNESSEE GAS PIPELI
8053235	16747	4213132509	103		ROOS #1	LABBE S (WILCOX UP) FIEL	365.0	TENNESSEE GAS PIPELI
-INTERNATIONAL OIL & GAS CORP					RECEIVED: 08/14/80 JA: TX			
8053321	17790	4210532204	103		INGHAM 47-1	INGHAM (DEVONIAN)	328.0	EL PASO NATURAL GAS
-J & M WELL SERVICE INC					RECEIVED: 08/14/80 JA: TX			
8053325	17794	4242700000	108		GREEN & MANNING #2 RRC #12863	RICABY 1100	13.0	TENNESSEE GAS PIPELI
8053324	17793	4242700000	108		SEABURY #4 RRC #74782	ZIM-WEST 830	8.3	TENNESSEE GAS PIPELI
-J CLEO THOMPSON					RECEIVED: 08/14/80 JA: TX			
8053322	17791	4200300000	103		WEST MEANS UNIT TRACT 29 WELL 14	MEANS	0.0	PHILLIPS PETROLEUM C
-J M HUBER CORPORATION					RECEIVED: 08/14/80 JA: TX			
8053176	15521	4223330648	103		BRYAN MAYFIELD UNIT NO 9-24	PANHANDLE	24.0	COLORADO INTERSTATE
8053323	17792	4239330693	103		MINNIE HODGES NO 40-1	HODGES	35.0	PHILLIPS PETROLEUM C
-JOHNSON BROTHERS					RECEIVED: 08/14/80 JA: TX			
8053224	16397	4223300000	108		C E DUNAWAY #2 01930	PANHANDLE-HUTCHINSON COU	2.0	PHILLIPS PETROLEUM C
8053225	16414	4223300000	108		C E DUNAWAY #3 01930	PANHANDLE-HUTCHINSON COU	2.0	PHILLIPS PETROLEUM C
8053226	16415	4223300000	108		C E DUNAWAY #4 01930	PANHANDLE-HUTCHINSON COU	2.0	PHILLIPS PETROLEUM C
-J3 OIL CO INC					RECEIVED: 08/14/80 JA: TX			
*8053384	18161	4239131346	103		HYNES MINERAL TRUST A #2	REFUGIO-FOX (6400)	136.9	UNITED GAS PIPELINE
8053402	20851	4239131345	103		HYNES MINERAL TRUST C #1	REFUGIO-FOX (1950)	171.6	UNITED GAS PIPELINE
-KERR-MCGEE CORPORATION					RECEIVED: 08/14/80 JA: TX			
8053399	19259	4221131145	102		L A JOHNSON WELL NO 1	BRISCOE (CHERT)	0.0	NORTHERN NATURAL GAS
-MEWBOURNE OIL COMPANY					RECEIVED: 08/14/80 JA: TX			
8053252	17396	4229530691	103		PEERY WELL #4	PEERY (MARMATON)	72.0	TRANSWESTERN PIPELIN
-MGF OIL CORP					RECEIVED: 08/14/80 JA: TX			
8053171	15353	4250131709	103		WAPLES-PLATTER WELL NO 4	WASSON N E (CLEARFORK)	6.0	
-MITCHELL ENERGY CORPORATION					RECEIVED: 08/14/80 JA: TX			
8053369	17866	4229330442	103		J G HAWKINS #1 81755	FALLON (COTTON VALLEY)	20.0	SOUTHWESTERN GAS PIP
8053214	16189	4249731520	103		N R ROBERTS B #2 83824	BOONSVILLE (BEND CONGL G	120.0	NATURAL GAS PIPELINE
-MOBIL OIL CORP					RECEIVED: 08/14/80 JA: TX			
8053267	17488	4216531625	103		H & J SECTION 385 NO 3	HAVEMEYER (SAN ANDRES)	2.2	
8053268	17490	4237132692	103		IVY B WEATHERBY NO 3	ROJO CABALLOS (WOLFCAMP)	46.5	
8053249	17382	4200331849	103		J W KUYKENDALL-HUMBLE #11	FUHRMAN-MASCHO	15.5	PHILLIPS PETROLEUM C
8053250	17383	4200331305	103		J W KUYKENDALL-HUMBLE NO 12	FUHRMAN-MASCHO	13.0	PHILLIPS PETROLEUM C
8053251	17384	4200331925	103		J W KUYKNDALL-HUMBLE NO 15	FUHRMAN-MASCHO	15.0	PHILLIPS PETROLEUM C
*8053335	17821	4247531846	103		STATE AK NO 1	CAPRITO (DELAWARE MIDDLE	51.0	LONE STAR GAS CO
*8053334	17820	4247531807	103		UNIVERSITY KK NO 1	CAPRITO (DELAWARE MIDDLE	25.5	LONE STAR GAS CO
-MORAN CORP					RECEIVED: 08/14/80 JA: TX			
8053379	18103	4218500000	102		FANNIE UPCHURCH NO 3	IOLA (DEXTER)	91.0	MORGAS CO
-MORAN EXPLORATION INC					RECEIVED: 08/14/80 JA: TX			
8053195	15636	4238330296	108		ROCKER B F #2	SPRABERRY (TREND AREA)	7.7	NORTHERN NATURAL GAS
8053196	15637	4238330295	108		ROCKER B F #3	SPRABERRY (TREND AREA)	7.7	NORTHERN NATURAL GAS
8053197	15638	4238330294	108		ROCKER B F #4	SPRABERRY (TREND AREA)	7.7	NORTHERN NATURAL GAS
8053178	15571	4223530297	108		ROCKER B J NO 1	SPRABERRY (TREND AREA)	12.8	NORTHERN NATURAL GAS
8053179	15572	4223500000	108		ROCKER B J NO 2	SPRABERRY (TREND AREA)	12.8	NORTHERN NATURAL GAS
8053180	15573	4223530309	108		ROCKER B J NO 3	SPRABERRY (TREND AREA)	12.8	NORTHERN NATURAL GAS
8053181	15576	4223530311	108		ROCKER B J NO 6	SPRABERRY (TREND AREA)	12.8	NORTHERN NATURAL GAS

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8053182	15577	4223530310	108		ROCKER B J NO 7	SPRABERRY (TREND AREA)	12.8	NORTHERN NATURAL GAS
8053183	15578	4223530306	108		ROCKER B J NO 8	SPRABERRY (TREND AREA)	12.8	NORTHERN NATURAL GAS
8053198	15652	4238330449	108		ROCKER B L NO 9	SPRABERRY (TREND AREA)	0.0	NORTHERN NATURAL GAS
8053199	15653	4223530320	108		ROCKER B N WELL NO 1	SPRABERRY (TREND AREA)	2.6	NORTHERN NATURAL GAS
8053200	15654	4223530360	108		ROCKER B N WELL NO 2	SPRABERRY (TREND AREA)	2.6	NORTHERN NATURAL GAS
8053201	15665	4223530351	108		ROCKER B O WELL #9	SPRABERRY (TREND AREA)	3.7	NORTHERN NATURAL GAS
8053184	15580	4238330208	108		ROCKER B-10 WELL NO 71	SPRABERRY (TREND AREA)	8.4	NORTHERN NATURAL GAS
8053185	15581	4238330221	108		ROCKER B-10 WELL NO 72	SPRABERRY (TREND AREA)	8.4	NORTHERN NATURAL GAS
8053186	15583	4238330234	108		ROCKER B-10 WELL NO 74	SPRABERRY (TREND AREA)	8.4	NORTHERN NATURAL GAS
8053187	15585	4238330236	108		ROCKER B-10 WELL NO 76	SPRABERRY (TREND AREA)	8.4	NORTHERN NATURAL GAS
8053188	15586	4238330220	108		ROCKER B-10 WELL NO 78	SPRABERRY (TREND AREA)	8.4	NORTHERN NATURAL GAS
8053189	15587	4238330207	108		ROCKER B-10 WELL NO 79	SPRABERRY (TREND AREA)	8.4	NORTHERN NATURAL GAS
8053190	15588	4238330213	108		ROCKER B-10 WELL NO 80	SPRABERRY (TREND AREA)	8.4	NORTHERN NATURAL GAS
8053191	15628	4238330171	108		ROCKER B-6 BTTY - WELL #44	SPRABERRY (TREND AREA)	4.7	NORTHERN NATURAL GAS
8053192	15630	4238330173	108		ROCKER B-6 BTTY - WELL #46	SPRABERRY (TREND AREA)	4.7	NORTHERN NATURAL GAS
8053193	15631	4238330174	108		ROCKER B-6 BTTY - WELL #47	SPRABERRY (TREND AREA)	4.7	NORTHERN NATURAL GAS
8053194	15633	4238330157	108		ROCKER B-6 BTTY - WELL #55	SPRABERRY (TREND AREA)	4.7	NORTHERN NATURAL GAS
-MORMAC OIL & GAS CO					RECEIVED: 08/14/80 JA: TX			
8053385	18166	4212731873	102		N C KING NO 1	STUMBERG (OLMOS 4150)	40.0	LOVACA GATHERING CO
8053386	18168	4212731867	102		STUMBERG RANCH NO 2	STUMBERG (OLMOS 4150)	40.0	LOVACA GATHERING CO
8053387	18169	4212731868	102		STUMBERG RANCH NO 3	STUMBERG (OLMOS 4150)	40.0	LOVACA GATHERING CO
-MUSTANG EXPLORATION CO INC					RECEIVED: 08/14/80 JA: TX			
8053380		4248131838	102		GEORGE FUCIK #1	JONES CREEK (4200 FRIO)	135.0	TENNESSEE GAS PIPELI
8053211	16070	4246931462	102		KRUEGER #7	NURSERY 3120	135.0	SUNBURST ENERGIES IN
-N D STOVALL & SON					RECEIVED: 08/14/80 JA: TX			
8053177	15523	4250333244	103		BURNETT 151 RRC ID 84554	FISH CREEK (MARBLE FALLS	73.0	J H TAYLOR GAS
-PANTHER OIL CO					RECEIVED: 08/14/80 JA: TX			
8053215	16233	4221931942	103		PANTHER C NO 2	LEVELLAND (SAN ANDRES)	9.7	AMOCO PRODUCTION CO
-PAR OIL CORPORATION					RECEIVED: 08/14/80 JA: TX			
8053391	18357	4221330246	102		PAR OIL CORPORATION-YARRBEE NO 2	TRINIDAD SOUTH (RODESSA)	865.0	UNITED GAS PIPE LINE
-PENNZOIL PRODUCING COMPANY					RECEIVED: 08/14/80 JA: TX			
8053273	.17541	4250531145	103		JENNINGS NO 43	JENNINGS W	108.0	NATURAL GAS PIPELINE
8053254	17439	4250531144	103		JENNINGS NO 36	JENNINGS W	100.0	NATURAL GAS PIPELINE
8053255	17440	4250531143	103		JENNINGS NO 40	JENNINGS W	100.0	NATURAL GAS PIPELINE
8053256	17441	4250531147	103		JENNINGS NO 41	JENNINGS W	100.0	NATURAL GAS PIPELINE
8053257	17442	4250531146	103		JENNINGS NO 42	JENNINGS W	100.0	NATURAL GAS PIPELINE
-PETER HENDERSON OIL CO					RECEIVED: 08/14/80 JA: TX			
8053238	16994	4224500000	108		H L JOHNSON NO 1 RRC ID #07896	PORT ACRES (FRIO 5)FIELD	5.8	WINNIE PIPELINE CO
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 08/14/80 JA: TX			
8053174	15434	4200304772	108		(01270) UNIVERSITY ANDREWS NO 55	EMBAR (PERMIAN)	13.3	EL PASO NATURAL GAS
8053175	15432	4213504500	108		(18713) GOLDSMITH ADOBE UNIT NO 101	GOLDSMITH (5600)	3.3	EL PASO NATURAL GAS
8053388	18207	4213505824	108		GOLDSMITH ADOBE UNIT NO 38-02	GOLDSMITH (5600)	0.4	EL PASO NATURAL GAS
8053374	18066	4219500000	108		MISSIE NO 1	TEXAS HUGOTON	21.0	PANHANDLE EASTERN PI
8053389	18209	4200304608	108		UNIVERSITY ANDREWS NO 28 (01268)	EMBAR (ELLENBURGER)	2.0	EL PASO NATURAL GAS
-PHOENIX FUND INC					RECEIVED: 08/14/80 JA: TX			
8053274	17544	4212731617	103		A A HANSL WELL NO 1	EVERGREEN FARMS (GEORGET	91.0	LO VACA GATHERING CO
-PITTS OIL CO AND DALLAS PRODUCTION					RECEIVED: 08/14/80 JA: TX			
8053168	15304	4216130474	103		HINDERS NO 1	DONIE (PETTIT)	106.0	DELHI GAS PIPELINE C
8053169	15305	4216130482	103		HUSKEY NO 1	FREESTONE (TRAVIS PEAK)	365.0	DELHI GAS PIPELINE C
-ROCKWOOD RESOURCES INC					RECEIVED: 08/14/80 JA: TX			
8053282	17634	4223931415	102		ROCKWOOD-KUHLMAN #1	SANDY CREEK (4900)	60.0	TRANSCONTINENTAL GAS
-SHELL OIL CO					RECEIVED: 08/14/80 JA: TX			

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JD NO	JA DKT	API NO	SEC	D WELL NAME	FIELD NAME	PROD	PURCHASER
8053383	18147	4250531046	102	G G HINOJOSA NO 1	FANDANGO (PROPOSED)	0,0	UNITED TEXAS TRANSMI
-SUE-ANN OPERATING COMPANY				RECEIVED: 08/14/80 JA: TX			
8053203	15732	4236130327	103	D C CARSON NO 1	PORT NECHES N (FRIO HACK	365,0	UNITED TEXAS TRANSMI
-T W MCGUIRE & ASSOCIATES INC				RECEIVED: 08/14/80 JA: TX			
8053326	17804	4236500000	108	CARAWAY-ASH #2	CARTHAGE (PETTIT LOWER G	9,0	TEXAS GAS TRANSMISSI
8053327	17805	4236500000	108	LOUIS WERNER #1	CARTHAGE (HILL SOUTHEAST	10,0	TEXAS GAS TRANSMISSI
8053328	17806	4236500000	108	MRS W E BIGGS #1-C	CARTHAGE (HILL SOUTHEAST	8,0	TEXAS GAS TRANSMISSI
8053329	17807	4236500000	108	MRS W E BIGGS ET AL #2	CARTHAGE (PALUXY)	6,0	TEXAS GAS TRANSMISSI
8053330	17809	4236500000	108	WERNER-CARAWAY #2	CARTHAGE (GLEN ROSE SOUT	1,0	TEXAS GAS TRANSMISSI
8053331	17810	4236500000	108	WERNER-NEEDHAM #1-T	CARTHAGE (PETTIT LOWER G	9,0	TEXAS GAS TRANSMISSI
8053332	17811	4236500000	108	WRIGHT-THUMEY #1-C	CARTHAGE (GLEN ROSE SOUT	7,0	TEXAS GAS TRANSMISSI
-TENNECO OIL COMPANY				RECEIVED: 08/14/80 JA: TX			
8053372	18001	4237132525	103	MENDEL ESTATE #1	GOMEZ UPPER WOLFCAMP	593,0	LOVACA GATHERING CO
8053373	18002	4237132610	103	MENDEL ESTATE #2	GOMEZ UPPER WOLFCAMP	21,6	LOVACA GATHERING CO
-TEXACO INC				RECEIVED: 08/14/80 JA: TX			
8053280	17629	4221501673	108	EL TEXANO GAS UNIT 2)/A WELL #1	HIDALGO (EL TEXANO UPPER	11,0	TEXAS EASTERN TRANSM
8053230	16606	4226130437	102	YTURRIA L & C NCT-1 WELL #40	CABAZOS (LM-15 LOWER)	730,0	TENNESSEE GAS PIPELI
-TEXAS OIL & GAS CORP				RECEIVED: 08/14/80 JA: TX			
8053281	17631	4226130520	102	ERCK WELL #18	MCGILL (10010)	650,0	FLORIDA GAS TRANSMIS
8053233	16656	4239131296	103	FAGAN P WELL #1	FAGAN (8040)	25,0	UNITED GAS PIPELINE
-THOMAS D COFFMAN				RECEIVED: 08/14/80 JA: TX			
8053170	15311	4214930346	103	FARRAH UNIT B #3 050814	GIDDINGS (AUSTIN CHALK/B	40,0	RESERVE GAS SYSTEMS
-TRAVELERS OIL CO				RECEIVED: 08/14/80 JA: TX			
8053241	17015	4206530656	103	BURNETT NO 2	PANHANDLE-CARSON COUNTY	36,5	PHILLIPS PETROLEUM C
8053242	17016	4217930597	103	NORTHFORK NO 2	EAST PANHANDLE	18,2	TRANSWESTERN PIPE LI
-TUCKER & BAUMGARDNER				RECEIVED: 08/14/80 JA: TX			
*8053261	17466	4222731915	103	BLACK BASS NO 1 WELL	COAHOMA NORTH (FUSSELMAN	39,4	PHILLIPS PETROLEUM C
-U S RESOURCES INC				RECEIVED: 08/14/80 JA: TX			
8053398	19225	4247730317	102	PETO NO 1	GIDDINGS (AUSTIN CHALK)	350,0	PGP GAS PRODUCTS INC
-VANDERBILT RESOURCES CORPORATION				RECEIVED: 08/14/80 JA: TX			
8053227	16489	4248131828	102	RAUN GAS UNIT NO 3	STOCKTON (CATAHOULA)	91,0	TENNESSEE GAS PIPELI
-VARN PETROLEUM CO				RECEIVED: 08/14/80 JA: TX			
8053239	16998	4240900000	103	BEN HILL ET AL NO 1 MORGAN 6700 #1	MORGAN	511,0	TRANSCONTINENTAL GAS
-VERNON E FAULCONER				RECEIVED: 08/14/80 JA: TX			
8053218	16350	4223300000	108	HERRING C RRC ID#27155	WEST PANHANDLE (RED CAVE	4,4	PANHANDLE EASTERN PI
8053219	16351	4223300000	108	HERRING D RRC ID#27156	WEST PANHANDLE (RED CAVE	19,5	PANHANDLE EASTERN PI
8053217	16349	4223300000	108	HERRING E RRC ID #27157	WEST PANHANDLE (RED CAVE	10,8	PANHANDLE EASTERN PI
8053220	16352	4223300000	108	IRA MERCHANT RRC ID#33395	WEST PANHANDLE (RED CAVE	4,6	PANHANDLE EASTERN PI
8053221	16353	4223300000	108	MERCHANT A RRC ID#27158	WEST PANHANDLE (RED CAVE	9,1	PANHANDLE EASTERN PI
8053222	16355	4223300000	108	YAKE E RRC ID #27159	WEST PANHANDLE (RED CAVE	2,1	PANHANDLE EASTERN PI
8053223	16356	4223300000	108	YAKE F RRC ID #27160	WEST PANHANDLE (RED CAVE	13,4	PANHANDLE EASTERN PI
-W DON SMITH				RECEIVED: 08/14/80 JA: TX			
8053216	16348	4242932071	103	W DON SMITH NO 1 81985	IVAN (DUFFER)	100,0	LONE STAR GAS CO
-W R EDWARDS JR				RECEIVED: 08/14/80 JA: TX			
8053163	15157	4223330645	103	ANDREW WELL NO 2	PANHANDLE HUTCHINSON	1600,0	PANHANDLE PRODUCING
8053164	15159	4223330707	103	LITTLE RASCALS WELL NO 1	PANHANDLE HUTCHINSON COU	0,0	
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED: 08/14/80 JA: TX			
8053253	17412	4210332057	103	W N WADDELL ET AL TR A NO 1119	RUNNING W (TUBB)	60,0	EL PASO NATURAL GAS
8053259	17452	4210332058	103	W N WADDELL ET AL TR A NO 1120	RUNNING W (TUBB)	20,0	EL PASO NATURAL GAS
8053260	17453	4210332059	103	W N WADDELL ET AL TR A NO 1121	RUNNING W (TUBB)	33,0	EL PASO NATURAL GAS
-WILSON-OWENS PRODUCTION CO				RECEIVED: 08/14/80 JA: TX			
8053213	16130	4236530809	103	THOMAS ALLISON GAS UNIT NO 3A	CARTHAGE/COTTON VALLEY	600,0	UNITED GAS PIPE LINE

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WEST VIRGINIA DEPARTMENT OF MINES

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JD NO	JA DKT	API NO	SEC	D WELL NAME	FIELD NAME	PROD	PURCHASER
-AMY OIL & GAS CO				RECEIVED: 08/11/80 JA: WV			

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                                                                                       VOLUME  273           PAGE  008
 JD NO     JA DKT         API NO      SEC D WELL NAME                                  FIELD NAME               PROD      PURCHASER
 -----     ------         ------      --- - ---------                                  ----------               ----      ---------
 8053143                  4708521724  108   AMY OIL & GAS CO WELL #1                   SMITHVILLE                    0.5 CONSOLIDATED GAS SUP
*BURDETTE OIL & GAS CO INC                 RECEIVED: 08/11/80  JA: WV
 8053149                  4703501492  102   DORIS HARPOLD WELL #2                      WASHINGTON DISTRICT           0.0

 8053146                  4703501495  102   GLENN STAATS WELL #1                       WASHINGTON DISTRICT           0.0
 8053148                  4703501496  102   REX CASTO WELL #1                          WASHINGTON DISTRICT           0.0
 8053147                  4703501497  102   REX CASTO WELL #2                          WASHINGTON DISTRICT           0.0
*J H SHUMAN #1 GAS CO                      RECEIVED: 08/11/80  JA: WV
 8053144   021-983        4702100983  108   J H SHUMAN NO ONE L 047 021 983            ELLIS RUN OF SAND FORK        1.0 CONSOLIDATED GAS SUP
*TRIO PETROLEUM CORP                       RECEIVED: 08/11/80  JA: WV
 8053145                  4700700359  108   HITCHCOCK NO 1                             GLENVILLE SOUTH               2.7 EQUITABLE GAS CO

 OTHER PURCHASERS
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8053156     MONTANA POWER CO
8053157     MONTANA POWER CO
8053175     ODESSA NATURAL CORP
8053207     ODESSA NATURAL CORP
8053261     NORTHERN NATURAL GAS CO
8053334     INTRATEX GAS CO
8053335     INTRATEX GAS CO
8053384     TESORO CRUDE OIL CO
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BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf).

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before October 2, 1980.

Please reference the FERC Control Number (JD NO) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28426 Filed 9-16-80; 8:45 am]

BILLING CODE 6450-85-M

[Volume 274]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued September 5, 1980.

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 JD NO     JA DKT        API NO     SEC D WELL NAME                        FIELD NAME                  PROD   PURCHASER
 -----     ------        ------     --- - ---------                        ----------                  ----   ---------
******************************************************************************
  KANSAS CORPORATION COMMISSION
******************************************************************************
-CHAMPLIN PETROLEUM COMPANY              RECEIVED: 07/18/80  JA: KS
 8047062B  K-79-1699    1500700000 108   DAVIS RANCH S NO 1 (ENH REC)       AETNA                         0.0 CITIES SERVICE GAS C
******************************************************************************
  MICHIGAN DEPARTMENT OF NATURAL RESOURCES
******************************************************************************
-DART OIL & GAS CORPORATION              RECEIVED: 08/15/80  JA: MI
 8053533                2103500000 102   JACKSON #10-30 (33,609)            WINTERFIELD                   2.0 CONSUMERS POWER CO
 8053532                2103500000 102   LAUGHLIN #1-20 (33,723)            WINTERFIELD                   0.0 CONSUMERS POWER CO
 8053531                2103500000 102   MOSHER #5-30 (27,575)              WINTERFIELD                   2.0 CONSUMERS POWER CO
 8053530                2103500000 102   MOSHER #8-30 (33,467)              WINTERFIELD                   2.0 CONSUMERS POWER CO
-REEF PETROLEUM CORPORATION              RECEIVED: 08/15/80  JA: MI
 8053529                2112500000 102   DILLMAN #3-1A                      AVUN 1                     1440.0 MICHIGAN CUNSOLIDATE
******************************************************************************
  NEW MEXICO DEPARTMENT OF ENERGY & MINERALS
******************************************************************************
-AMOCO PRODUCTION CO                     RECEIVED: 08/15/80  JA: NM
*8053414                3002526622 103   CAPPS #32                          UND HOBBS DRINKARD          470.1 PHILLIPS PETROLEUM C
*8053417                3002526071 103   STATE C TRACT 13 #10               BLINEBRY OIL & GAS            1.0 WARREN PETROLEUM CU
-DALLAS MCCAALAND                        RECEIVED: 08/15/80  JA: NM
 8053424                3002500000 108   STATE U NO 6                       SCARBOROUGH-YATES            19.4 EL PASO NATURAL GAS
-FRED POOL DRILLING CO                   RECEIVED: 08/15/80  JA: NM
 8053408                3000560633 102   CORN 24 #1 WELL                    WILDCAT UND ABO             180.0 TRANSWESTERN PIPELIN
-GETTY OIL COMPANY                       RECEIVED: 08/15/80  JA: NM
 8053425                3004100000 108   HOBBS T NO 18                      CHAVEROO SAN ANDRES          17.0 CITIES SERVICE CO
 8053426                3002500000 108   LOVINGTON SAN ANDRES NU 37         LOVINGTON SAN ANDRES          0.4 PHILLIPS PETROLEUM C
-PHILLIPS PETROLEUM COMPANY              RECEIVED: 08/15/80  JA: NM
 8053412                3002626397 103   E VACUUM GB/SA TR 2963 NO 003      VACUUM GB/SA                  5.0 EL PASO NATURAL GAS
 8053409                3002526568 103   E VACUUM GB/SA UNIT 1910 NO 003    VACUUM GB/SA                  0.4 EL PASO NATURAL GAS
 8053411                3002526382 103   E VACUUM GB/SA UNIT 2801 NU 005    VACUUM GB/SA                  7.0 EL PASO NATURAL GAS
 8053410                3002526399 103   E VACUUM GB/SA UNIT 3229 NU 006    VACUUM GB/SA                 11.0 EL PASO NATURAL GAS
 8053413                3002526649 103   E VACUUM GB/SA 3229 NO 007         VACUUM GB/SA                  9.0 EL PASO NATURAL GAS
 8053418                3002526514 103   EAST VAC GB/SA TR 0546 NO 001      VACUUM GB/SA                 20.0 EL PASO NATURAL GAS
 8053415                3002526651 103   EAST VACUUM GB/SA TR 3229 NO 8     VACUUM GB/SA                111.0 EL PASO NATURAL GAS
 8053416                3002526650 103   EAST VACUUM GB/SA TR 3229 NO 9     VACUUM GB/SA                 66.0 EL PASO NATURAL GAS
-SOUTHERN UNION EXPLORATION COMPANY      RECEIVED: 08/15/80  JA: NM
 8053406                3002526392 103   SUSCO STATE 6                      FLYING M                      1.0 WARREN PETROLEUM CO
-SOUTHLAND ROYALTY CO                    RECEIVED: 08/15/80  JA: NM
 8053427                3004591710 108   MCCARTY #1                         FULCHER KUTZ                 13.0 SOUTHERN UNIUN GATHE
-SUN OIL COMPANY (DELAWARE)              RECEIVED: 08/15/80  JA: NM
 8053422                3001500000 108   E MILLMAN UNIT NO 5-1              MILLMAN (Q-G) EAST            2.0 PHILLIPS PETROLEUM C
 8053420                3001500000 108   E MILLMAN UNIT NO 5-2              MILLMAN (Q-G) EAST            6.0 PHILLIPS PETROLEUM C
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                                                                                        VOLUME  274              PAGE  002
 JD NO     JA DKT          API NO     SEC D WELL NAME                                   FIELD NAME                 PROD     PURCHASER
 -----     ------          ------     --- - ---------                                   ----------                 ----     ---------
 8053421                   3001500000 108   E MILLMAN UNIT NO 5-3                       MILLMAN (Q-G) EAST            0,4 PHILLIPS PETROLEUM C
 8053423                   3001500000 108   E MILLMAN UNIT NO 5-4                       MILLMAN (Q-G) EAST            1,0 PHILLIPS PETROLEUM C
-TEXACO INC                                RECEIVED: 08/15/80  JA: NM
 8053419                   3004508921 108   NEW MEXICO COM G NO 1                       BLANCO-PICTURED CLIFFS       17,0 EL PASO NATURAL GAS
-THE SUPERIOR OIL COMPANY                  RECEIVED: 08/15/80  JA: NM
 8053407                   3002526369 102   GOVERNMENT L COM NO 2                       SOUTH BELL LAKE (MORROW)   1200,0 TRANSWESTERN PIPELIN
-YATES PETROLEUM CORPORATION               RECEIVED: 08/15/80  JA: NM
 8053405                   3000560700 102   HILLTOP NQ STATE NO 1                       WILDCAT ABO                   0,0 TRANSWESTERN PIPELIN
 8053404                   3001523227 102   RIO PENASCO KD COM NO 1                     BOYD MORROW                   0,0 TRANSWESTERN PIPELIN
 8053403                   3000560701 102   SELMAN DRAW NS STATE NO 1                   WILDCAT ABO                   0,0 TRANSWESTERN PIPELIN
*****************************************************************************************
  OHIO DEPARTMENT OF NATURAL RESOURCES
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-A & L PARTNERS                            RECEIVED: 08/15/80  JA: OH
 8053473                   3411925284 103   C KIRKBRIDE #1-80                           MEIGS TOWNSHIP               25,0
 8053475                   3411925292 103   E LETT #1-80                                MEIGS TOWNSHIP               15,0

 8053474                   3411925289 103   E WILSON #1-80                              MEIGS TOWNSHIP               25,0
-ALTHEIRS OIL INC                          RECEIVED: 08/15/80  JA: OH
 8053481                   3412724656 103   J HITCHENS #1                               READING TWP                   6,0 COLUMBIA GAS CORP
 8053479                   3412724597 103   WM SNIDER #1                                PIKE TWP                     10,0 COLUMBIA GAS TRANSMI
 8053480                   3412724598 103   WM SNIDER #2                                PIKE TWP                     10,0 COLUMBIA GAS TRANSMI
-ASHLAND EXPLORATION INC                   RECEIVED: 08/15/80  JA: OH
 8053489                   3413320387 108   BRYAN-CLEGG #1                                                            2,0 EAST OHIO GAS CO
 8053486                   3413320268 108   CAIN #1                                                                   1,0 EAST OHIO GAS CO
 8053485                   3413320228 108   HAMEISTER #1                                                              1,0 EAST OHIO GAS CO
 8053487                   3413320309 108   KIRKLAND #1                                                               1,0 EAST OHIO GAS CO
 8053488                   3413320382 108   NORMAN-YATES #1                                                           1,0 EAST OHIO GAS CO
 8053512                   3416722934 108   OLEFINS METALS #1                                                         1,0 UNION CARBIDE CORP
 8053484                   3413320213 108   WHITE #1                                                                  1,0 EAST OHIO GAS CO
-BELDEN & BLAKE & CO 74                    RECEIVED: 08/15/80  JA: OH
 8053497                   3415123199 103   C & N CAPUSON #1-958                                                     36,5
 8053495                   3415123102 103   CANTON TWP VOL FIRE DEPT #1-926                                          36,5
 8053511                   3415723511 103   D & B BECKER #3-957                                                      36,5
 8053502                   3415123233 103   D & C IMMEL #1-950                                                       36,5
 8053496                   3415123196 103   M DOTSON CUMM #5-949                                                     36,5
-BUCKEYE OIL PRODUCING CO                  RECEIVED: 08/15/80  JA: OH
 8053445                   3407522038 108   WOLGAMUT 38 #1                                                            3,0 COLUMBIA GAS TRANSMI
 8053446                   3407522056 108   WOLGAMUT 38 #2                                                            3,0 COLUMBIA GAS TRANSMI
-CALLANDER & KIMBREL INC                   RECEIVED: 08/19/80  JA: OH
 8053454                   3408923847 103   COOK #1                                                                  15,0
 8053478                   3412724511 103   FAUSNAUGH-HANESWORTH #1                                                   8,0
 8053469                   3411925247 103   J & R MCCALL #2                                                          17,0
 8053470                   3411925249 103   JAMES MCCALL #2                                                          15,0
-CLOVER OIL CO                             RECEIVED: 08/15/80  JA: OH
 8053464                   3410322272 103   KOSTECKI UNIT #1                                                        100,0
-COLLINS-MCGREGOR OPERATING COMPANY        RECEIVED: 08/15/80  JA: OH
 8053453                   3408903737 103   WILLIAM HIGGINS #1                                                        7,3 NEWZANE GAS CO
-CYCLOPS CORP                              RECEIVED: 08/15/80  JA: OH
 8053431                   3403103256 103   DAVIS #1                                                                 40,0
 8053442                   3403103920 103   N ELDER #1                                                               45,0
-DARREL L SEIBERT                          RECEIVED: 08/15/80  JA: OH
 8053504                   3415320782 103   DARREL L SEIBERT #4                                                       6,0 COLUMBIA GAS OF OHIO
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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-DART OIL COMPANY					RECEIVED: 08/15/80 JA: OH			
8053462		3409921218	103		AEBI NO 1		30.0	ALUMINUM SMELTING &
8053463		3409921219	103		SHARP NO 1		30.0	ALUMINUM SMELTING AN
-GEO ENERGY INC					RECEIVED: 08/15/80 JA: OH			
8053440		3403103814	103		JAMES LARGE #2		6.0	
8053467		3411950380	103		THEODORE P KING #1-G		14.0	
-GIANT PETROLEUM CORPORATION					RECEIVED: 08/15/80 JA: OH			
8053430		3400721372	103		WILLIAM & ZELMA HUNN - WELL #2		20.0	EAST OHIO GAS CO
-GREGG PRICE CORP					RECEIVED: 08/15/80 JA: OH			
8053476		3412121589	103		LARRY WOODFORD #1		36.0	EAST OHIO GAS CO
-JADOIL INC					RECEIVED: 08/15/80 JA: OH			
8053436		3403123707	103		ARCHIE & LOUISE WILLIAMSON #3		5.0	COLUMBIA GAS TRANSMI
8053437		3403123710	103		HENRY E & SHIRLEY GEHRKE #2		8.0	COLUMBIA GAS TRANSMI
8053444		3407522021	103		JOHN G & VIOLA YODER #1		12.0	EAST OHIO GAS CO
8053433		3403123390	103		LAURA & EMMA AMMANN #1		4.0	COLUMBIA GAS TRANSMI
8053434		3403123395	103		LAURA & EMMA AMMANN #2		8.0	COLUMBIA GAS TRANSMI
8053452		3408923749	103		M E WILLS #2		5.0	NEWZANE GAS CO
8053435		3403123396	103		P F & M V LORENZ #1		10.0	EAST OHIO GAS CO
8053438		3403123724	103		PAUL & JOANNE NEWMAN #2		6.0	COLUMBIA GAS TRANSMI
8053447		3407522337	103		PERRY & SAM MILLER #1		5.0	EAST OHIO GAS CO
8053432		3403123376	103		W E & E A WINTERHALTER #1		5.0	COLUMBIA GAS TRANSMI
-JOHN TANSKY					RECEIVED: 08/15/80 JA: OH			
8053482		3412724671	103		WAYNE RAY BURN #1	CLAYTON	0.0	
-JUD NOBLE AND ASSOCIATES INC					RECEIVED: 08/15/80 JA: OH			
8053493		3413322126	103		BALLAS-COLEMAN #1		20.0	GENERAL ELECTRIC CO
8053492		3413322125	103		BALLAS-COLEMAN #2		20.0	GENERAL ELECTRIC CO
8053494		3413322152	103		POTESTA #2		20.0	GENERAL ELECTRIC CO
-K S T OIL & GAS CO INC					RECEIVED: 08/15/80 JA: OH			
8053503		3415320736	103		CUYAHOGA VALLEY CHRISTIAN ACADEMY		36.0	
8053508		3415320841	103		PARRY #1		29.0	
8053509		3415320842	103		PARRY #2		36.0	
8053507		3415320813	103		SOMMERS #2		27.0	
8053506		3415320807	103		SWAIN #2		30.0	
8053505		3415320795	103		WOLFE #1		42.0	
-LLOYD J ABRECHT					RECEIVED: 08/15/80 JA: OH			
8053510		3415721453	108		CLARA MOORE #1		4.0	LLOYD J ABRECHT
-M C F OIL COMPANY INC					RECEIVED: 08/15/80 JA: OH			
8053448		3407522382	103		A LOUISE MCCOY #1		100.0	THE COLUMBIA GAS TRA
-MELBA J DARNELL					RECEIVED: 08/15/80 JA: OH			
8053483		3413320091	108		CAMPBELL UNIT #1		2.2	EAST OHIO GAS CO
-NATIONAL PRODUCTION CORPORATION					RECEIVED: 08/15/80 JA: OH			
8053439		3403123783	103		NETHERS #1		12.0	NATIONAL GAS & OIL C
-PAGE P BLAKEMORE					RECEIVED: 08/15/80 JA: OH			
8053513		3416724738	107		MARY MAHNKEN #1-0	GRANDVIEW	27.2	
8053514		3416724863	107		O KENDALL NO 1	LIBERTY	18.6	
-PARTNERS OIL COMPANY					RECEIVED: 08/15/80 JA: OH			
8053466		3411522131	103		MORGAN COUNTY AIRPORT #2-79B		20.0	COLUMBIA GAS TRANSMI
-PATRICK T DONNELLY DVA LANDPROVEST					RECEIVED: 08/15/80 JA: OH			
8053472		3411925283	103		L A ROBERTSON #6-80	MEIGS TOWNSHIP	20.0	
-PETROLEUM ENERGY PRODUCING CORP					RECEIVED: 08/15/80 JA: OH			
8053428		3400720465	102		ZGRABIK #1		30.0	COLUMBIA GAS OF OHIO
-R D CURRY PRODUCTION COMPANY					RECEIVED: 08/15/80 JA: OH			

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                                                                              VOLUME  274          PAGE  004
JD NO    JA DKT        API NO     SEC D WELL NAME                            FIELD NAME                 PROD   PURCHASER
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 8053450               3407522449 103   VIVA TUPA FETTERS #1                                           100.0 THE COLUMBIA GAS TRA
-RESOURCE EXPLORATION INC             RECEIVED: 08/15/80  JA: OH
 8053429               3415722201 108   TURNER #1                                                        7.5 EAST OHIO GAS CO
-RMR PETROLEUM CO INC                 RECEIVED: 08/15/80  JA: OH
 8053515               3416725087 103   DALE & ELIZABETH PITSINGER #1                                  200.0
-ROWLEY & BROWN PETROLEUM CORP        RECEIVED: 08/15/80  JA: OH
 8053449               3407522418 103   BRUMME #5                                                       51.0 COLUMBIA GAS TRANSMI
-THE CLINTON OIL CO                   RECEIVED: 08/15/80  JA: OH
 8053441               3403123900 103   J MCCONNELL #1                                                  30.0
 8053471               3411925254 103   RUCKER-STUTTS #1                     CASS                        0.0
-THE OXFORD OIL CO                    RECEIVED: 08/15/80  JA: OH
 8053465               3411522078 103   GOLDIE WOODWARD #1                   N-R                        12.0
 8053468               3411925190 103   VIOLET BLACKFORD #1                                             10.0
-THE WISER OIL COMPANY                RECEIVED: 08/15/80  JA: OH
 8053490               3413320474 108   H & V EBIE #1 4123                                               1.0 EAST OHIO GAS CO
-THUNDERBIRD PETROLEUM DEVELOP CO     RECEIVED: 08/15/80  JA: OH
 8053477               3412122263 103   JAMES BAKER/MURREY WELL #1                                      50.0
-TRAP SPRINGS OIL AND GAS COMPANY     RECEIVED: 08/15/80  JA: OH
 8053516               3416725092 103   EDRIE BINEGAR #2                     OXBOW CREEK-INDEPENDENCE   20.0 COLUMBIA GAS TRANSMI
-UNITED PETROLEUM CORP                RECEIVED: 08/15/80  JA: OH
 8053456               3409920742 108   BALTES #1                            ELLSWORTH                   2.0 AMERICAN ENERGY SERV
 8053461               3409920882 108   HENDRICKS #2                         ELLSWORTH                   3.0 AMERICAN ENERGY SERV
 8053459               3409920861 108   KOPE #3                              ELLSWORTH                   1.0 AMERICAN ENERGY SERV
 8053458               3409920801 108   KOPE-SIMONS #1                       ELLSWORTH                   0.4 AMERICAN ENERGY SERV
 8053457               3409920757 108   LESKO #1                             ELLSWORTH                   2.0 AMERICAN ENERGY SERV
 8053460               3409920867 108   MATULEK #1                           ELLSWORTH                   1.0 AMERICAN ENERGY SERV
 8053455               3409920634 108   STROLLO #1                           ELLSWORTH                  14.0 AMERICAN ENERGY SERV
-VIKING RESOURCES CORPORATION         RECEIVED: 08/15/80  JA: OH
 8053500               3415123206 103   LEACH UNIT #1                                                   30.0
 8053501               3415123207 103   LEACH UNIT #2                                                   30.0
 8053498               3415123200 103   RITTERBECK-HAUBERT UNIT #1                                      30.0
 8053499               3415123201 103   RITTERBECK-HAUBERT UNIT #2                                      30.0
-W J LYDIC INC                        RECEIVED: 08/15/80  JA: OH
 8053443               3405320322 103   ALBERT FRENCH #1                                                15.0

-WILLIAM F HILL                       RECEIVED: 08/15/80  JA: OH
 8053451               3407522619 103   JOHN STARNER #2                                                  7.0 COLUMBIA GAS TRANSMI
-WRAY PETROLEUM CORP OF OHIO          RECEIVED: 08/15/80  JA: OH
 8053491               3413322045 103   HOLLIDAY #1                                                     70.0
*************************************************************************************
  WEST VIRGINIA DEPARTMENT OF MINES
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-A A PURSLEY                          RECEIVED: 08/18/80  JA: WV
 8053575               4704121242 108   S B MULLINEX 1-B                     CANOE RUN COLLINS SETTLE    1.4 CONSOLIDATED GAS SUP
-APPALACHIAN ENERGY INC               RECEIVED: 08/18/80  JA: WV
 8053636               4703321237 108   C E TOMES #1 AE9                     SIMPSON                    20.0 PETRO-LEWIS CORP
 8053637               4703321238 108   H HOWELL #1 AE 21                    SIMPSON                    20.0 PETRO-LEWIS CORP
-BRAXTON OIL AND GAS CORP             RECEIVED: 08/18/80  JA: WV
 8053621               4702102830 108   MARSHALL NO 1                        SAND FORK                  28.0 CONSOLIDATED GAS SUP
-C & P OIL & GAS CO                   RECEIVED: 08/18/80  JA: WV
 8053605               4708503794 108   BRITTON NO 1                         WALNUT GROVE CHURCH         3.0 EQUITABLE GAS CO
 8053606               4701701883 108   GASTON NO 1                          SOUTHWEST DISTRICT         17.0 EQUITABLE GAS CO
-CITIES SERVICE COMPANY               RECEIVED: 08/18/80  JA: WV
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 JD NO    JA DKT         API NO     SEC D WELL NAME                             FIELD NAME                   PROD    PURCHASER
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 8053597                 4703902445 108   HUGHART C-1                           KAPUT                         16.6 CONSOLIDATED GAS SUP
-CONSOLIDATED GAS SUPPLY CORPORATION    RECEIVED: 08/18/80  JA: WV
 8053610                 4704101694 108   CLARK WHITE 11134                     WEST VIRGINIA OTHER A-85      16.0 GENERAL SYSTEM PURCH
 8053561                 4700100132 108   CORA M PECK 10445                     WEST VIRGINIA OTHER A-85      15.0 GENERAL SYSTEM PURCH
 8053613                 4701900086 108   GUY D BROWN 9780                      WEST VIRGINIA OTHER A-85      17.0 GENERAL SYSTEM PURCH
 8053596                 4700100166 108   H A MCCOY 10622                       WEST VIRGINIA OTHER A-85      15.0 GENERAL SYSTEM PURCH
 8053611                 4703300561 108   HOWARD NEELEY 11348                   WEST VIRGINIA OTHER A-85      21.0 GENERAL SYSTEM PURCH
 8053569                 4704700179 108   OLGA COAL CO 10145                    PINEVILLE FIELD AREA A-5      13.0 GENERAL SYSTEM PURCH
 8053568                 4704700184 108   OLGA COAL CO 10168                    PINEVILLE FIELD AREA A-5      19.0 GENERAL SYSTEM PURCH
 8053566                 4704700261 108   OLGA COAL CO 10488                    PINEVILLE FIELD AREA A-5      11.0 GENERAL SYSTEM PURCH
 8053578                 4704700269 108   OLGA COAL CO 10556                    PINEVILLE FIELD AREA A-5       6.0 GENERAL SYSTEM PURCH
 8053577                 4704700284 108   OLGA COAL CO 10654                    PINEVILLE FIELD AREA A-5      15.0 GENERAL SYSTEM PURCH
 8053562                 4704700322 108   OLGA COAL CO 10808                    PINEVILLE FIELD AREA A-5      21.0 GENERAL SYSTEM PURCH
 8053567                 4704700258 108   PEOPLES FIRST NAT BANK 10487          PINEVILLE FIELD AREA A-5      11.0 GENERAL SYSTEM PURCH
 8053565                 4704700266 108   PEOPLES FIRST NAT BANK 10511          PINEVILLE FIELD AREA A-5      11.0 GENERAL SYSTEM PURCH
 8053563                 4704700285 108   PEOPLES FIRST NAT BANK 10659          PINEVILLE FIELD AREA A-5      11.0 GENERAL SYSTEM PURCH
 8053564                 4704700273 108   PEOPLES NAT BANK & TRUST 10557        PINEVILLE FIELD AREA A-5      15.0 GENERAL SYSTEM PURCH
 8053612                 4702102130 108   W G BENNETT 11165                     WEST VIRGINIA OTHER A-85      21.0 GENERAL SYSTEM PURCH
-DENNIS D BLAUSER                       RECEIVED: 08/18/80  JA: WV
 8053609                 4708523618 108   ALVIN THARP #1                        UNION                         20.0 CARNEGIE NATURAL GAS
-DS GAS ASSOCIATES                      RECEIVED: 08/18/80  JA: WV
 8053599                 4708503795 108   MILTON C SMITH NO 2                   BOWLING GREEN                  1.9 CARNEGIE NATURAL GAS
-EAN INC                                RECEIVED: 08/18/80  JA: WV
 8053630                 4702121162 108   GOLDSMITH #1                          TROY                           0.4 EQUITABLE GAS CO
 8053631                 4702121175 108   GOLDSMITH #2                          TROY                           0.4 EQUITABLE GAS CO
-GAINER GAS CO                          RECEIVED: 08/18/80  JA: WV
 8053556                 4701300367 108   GAINER GAS CO NO 2                    CENTER DISTRICT                2.8 COLUMBIA GAS TRANSMI
-GLOVER GAS CO                          RECEIVED: 08/18/80  JA: WV
 8053623                 4703903641 108   MONTGOMERY HEIRS #1                   CABIN CREEK DISTRICT          15.4 SOUTHEASTERN GAS CO
-GO DISTRIBUTION CO INC                 RECEIVED: 08/18/80  JA: WV
 8053607                 4708523306 108   EDW PIERCE #3                         UNION                          1.2 EQUITABLE GAS CO
-HADDOX GAS CO                          RECEIVED: 08/18/80  JA: WV
 8053656                 4708522834 108   HADDOX #1                             MURPHY DISTRICT                0.5 CONSOLIDATED GAS SUP
-HAUGHT-PRUNTY GAS CO                   RECEIVED: 08/18/80  JA: WV
 8053644                 4700720330 108   HAUGHT-PRUNTY #1                      SALT LICK DISTRICT            20.5 EQUITABLE GAS CO
-HAUGHT-SINGLETON GAS CO                RECEIVED: 08/18/80  JA: WV
 8053646                 4700720339 108   HAUGHT-SINGLETON #1                   SALT LICK DISTRICT             1.4 EQUITABLE GAS CO
-J & J ENTERPRISES INC                  RECEIVED: 08/18/80  JA: WV
 8053638                 4700127880 108   B-18 F-62512 BAR-788                  UNION                         14.0 CONSOLIDATED GAS SUP
 8053641                 4700107870 108   B-28 F-62470 BAR-787                  PLEASANT                      10.0 CONSOLIDATED GAS SUP
 8053585                 4709721664 108   B-29 F-62140 UPS-1664                 WARREN                        12.0 CONSOLIDATED GAS SUP
 8053640                 4700127430 108   B-4 F-61664 BAR-743                   UNION                         19.0 CONSOLIDATED GAS SUP
 8053639                 4700128130 108   B-31-A F-62784 BAR-813                PHILIPPI                      12.0 CONSOLIDATED GAS SUP
-J C BAKER AND SON INC                  RECEIVED: 08/18/80  JA: WV
 8053635                 4700700613 108   C N ROBISON #1 ACCT #2-01002012       SALT LICK                      8.0 CONSOLIDATED GAS SUP

-J W AYERS GAS CO                       RECEIVED: 08/18/80  JA: WV
 8053657                 4708522889 108   J W AYERS #1                          MURPHY DISTRICT                0.4 CONSOLIDATED GAS SUP
-JOHNSON PRODUCING CO                   RECEIVED: 08/18/80  JA: WV
 8053586                 4709701779 108   BOUTH #1                              UNION                          0.5 CONSOLIDATED GAS SUP
-L W DAVIS GAS CO                       RECEIVED: 08/18/80  JA: WV
 8053645                 4708521517 108   L W DAVIS #1                          UNION DISTRICT                 2.7 CARNEGIE NATURAL GAS
-LESLIE W TAYLOR                        RECEIVED: 08/18/80  JA: WV
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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8053622		4708504864	108		W B WRIGHT #1	UNION DISTRICT	0.7	CONSOLIDATED GAS SUP
-LOPAR ENTERPRISES					RECEIVED: 08/18/80 JA: WV			
8053608		4704102127	108		HITT WELL #1	FREEMANS CREEK	6.2	CARNEGIE NATURAL GAS
-MORRIS OIL & GAS CO INC					RECEIVED: 08/18/80 JA: WV			
8053598		4701300064	108		ST PAUL M E CHURCH LOT NO 1	CENTER DISTRICT	2.6	CABOT CORP
-P P GUNN ESTATE					RECEIVED: 08/18/80 JA: WV			
8053576		4708504862	108		M P CUNNINGHAM NO 2	MURPHY DISTRICT	2.5	CABOT CORP
-PACIFIC STATES GAS & OIL INC					RECEIVED: 08/18/80 JA: WV			
8053677		4702102878	107		A C LYNCH #1	GLENVILLE	35.0	EQUITABLE GAS CO
8053559		4702102829	107		B S MESSENGER #1	GLENVILLE	45.0	EQUITABLE GAS CO
8053557		4702102889	107		B S MESSENGER #2	GLENVILLE	60.0	EQUITABLE GAS CO
8053672		4702103038	107		B S MESSENGER #4	GLENVILLE	43.0	EQUITABLE GAS CO
8053558		4702102928	107		COBERLY-ARBUCKLE #1	GLENVILLE	50.2	EQUITABLE GAS CO
8053591		4702102838	107		E D FULTON #1	GLENVILLE	48.8	EQUITABLE GAS CO
8053671		4702103210	107		E D FULTON #6	GLENVILLE	66.6	EQUITABLE GAS CO
8053667		4702103017	107		G R LYNCH #1	GLENVILLE	35.8	EQUITABLE GAS CO
8053669		4702103002	107		J DAVIS #1	GLENVILLE	69.3	EQUITABLE GAS CO
8053592		4702102816	107		L DAVIS #2	GLENVILLE	32.0	EQUITABLE GAS CO
8053560		4702102948	107		L DAVIS #4	GLENVILLE	69.7	EQUITABLE GAS CO
8053668		4702102998	107		L RADCLIFF #1	GLENVILLE	23.0	EQUITABLE GAS CO
8053675		4702103214	107		O F WOLFE #1	GLENVILLE	33.4	EQUITABLE GAS CO
8053666		4702103036	107		R E HINEY #1	GLENVILLE	38.0	EQUITABLE GAS CO
8053670		4702103204	107		S A HAYS #4	GLENVILLE	31.5	EQUITABLE GAS CO
8053674		4702103228	107		S A HAYS #5	GLENVILLE	0.0	EQUITABLE GAS CO
8053590		4702102742	107		S C SIMMONS #1	GLENVILLE	38.7	EQUITABLE GAS CO
8053676		4702103215	107		S C SIMMONS #2	GLENVILLE	55.0	EQUITABLE GAS CO
8053673		4702102996	107		W P BRANNON #1	GLENVILLE	6.0	EQUITABLE GAS CO
-PETRO-LEWIS CORPORATION					RECEIVED: 08/18/80 JA: WV			
8053624		4709701458	108		TKE HINKLE C #1	UNION DISTRICT	5.0	PARTNERSHIP PROPERTI
-RANDOLPH GAS CO					RECEIVED: 08/18/80 JA: WV			
8053581		4708300053	108		CAIN #1	ROARING CREEK DISTRICT	0.3	COLUMBIA GAS TRANSMI
8053580		4708300062	108		CAIN #2	ROARING CREEK DISTRICT	0.3	COLUMBIA GAS TRANSMI
8053582		4708300035	108		MAXWELL PHARES #1	ROARING CREEK DISTRICT	0.3	COLUMBIA GAS TRANSMI
8053584		4708300070	108		MAXWELL PHARES #2	ROARING CREEK DISTRICT	0.3	COLUMBIA GAS TRANSMI
8053625		4708300052	108		MOORE KEPPEL #4A	MIDDLE FORK DISTRICT	2.1	COLUMBIA GAS TRANSMI
8053627		4708300057	108		MOORE KEPPEL #5	ROARING CREEK DISTRICT	2.3	COLUMBIA GAS TRANSMI
8053626		4708300044	108		MOORE KEPPLE #3A	MIDDLE FORK DISTRICT	1.3	COLUMBIA GAS TRANSMI
8053579		4708300061	108		MOORE KEPPLE #6A	MIDDLE FORK DISTRICT	1.3	COLUMBIA GAS TRANSMI
-RAY RESOURCES DIV OF FLYING DIAMOND					RECEIVED: 08/18/80 JA: WV			
8053600		4710500748	108		ARRON SIMMS #758	ELIZABETH	8.0	COLUMBIA GAS TRANSMI
8053593		4710500715	108		B L SHEPPARD #752	REEDY	0.8	COLUMBIA GAS TRANSMI
8053601		4710500741	108		C S DEPERE #791	REEDY	12.6	COLUMBIA GAS TRANSMI
8053595		4710500686	108		CHARLES MORGAN #582	REEDY	0.2	COLUMBIA GAS TRANSMI
8053594		4710500714	108		CHARLES MORGAN #751	REEDY	0.2	COLUMBIA GAS TRANSMI
8053602		4710500733	108		CHARLES MORGAN #783	REEDY	0.2	COLUMBIA GAS TRANSMI
8053574		4704301606	108		D J CRADDOCK #502	WASHINGTON DIST	0.6	INDUSTRIAL GAS CORP
8053573		4704301609	108		D J CRADDOCK #511	WASHINGTON DIST	0.6	INDUSTRIAL GAS CORP
8053572		4704301620	108		D J CRADDOCK #514	WASHINGTON DIST	0.6	INDUSTRIAL GAS CORP
8053571		4704301659	108		D J CRADDOCK #574	WASHINGTON DIST	0.1	INDUSTRIAL GAS CORP
8053603		4710500727	108		H C ARNOLD #775	TUCKER	1.5	COLUMBIA GAS TRANSMI
8053604		4710500719	108		J M WILLIAMS #756	TUCKER	7.1	COLUMBIA GAS TRANSMI
8053570		4704301683	108		S CARTWRIGHT #716	WASHINGTON DIST	0.6	INDUSTRIAL GAS CORP

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 JD NO     JA DKT         API NO      SEC D WELL NAME                       FIELD NAME              PROD    PURCHASER
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-ROCKWELL PETROLEUM COMPANY               RECEIVED: 08/18/80  JA: WV
 8053629                  4704121613 108  BRANNON #2                        HACKERS CREEK DISTRICT     1.5 EQUITABLE GAS CO
 8053587                  4704121620 108  BRANNON #3                        HACKERS CREEK DISTRICT     1.5 EQUITABLE GAS CO
 8053620                  4700700875 108  C S GERWIG #1                     OTTER DISTRICT            10.0 EQUITABLE GAS CO
 8053628                  4700728160 108  MARY GERWIG #2                    OTTER DISTRICT             1.0 EQUITABLE GAS CO
 8053588                  4702122968 108  MOHR #3                           CENTER DISTRICT           10.0 COLUMBIA GAS TRANSMI
-TEXAS INTERNATIONAL PET CORP             RECEIVED: 08/18/80  JA: WV
 8053632                  4705500061 108  POCAHONTAS LAND CORP #D-13        ROCK                       7.6 CONSOLIDATED GAS SUP
 8053634                  4705500070 108  POCAHONTAS LAND CORP #D-4         ROCK                       7.6 CONSOLIDATED GAS SUP
 8053633                  4705500068 108  POCAHONTAS LAND CORP #D-5         ROCK                       7.6 CONSOLIDATED GAS SUP
-VIKING OIL & GAS CO                      RECEIVED: 08/18/80  JA: WV
 8053589                  4701500503 108  VIKING OIL & GAS #1               BUCKHORN                   8.2 CONSOLIDATED GAS SUP
-WARREN R HAUGHT AGENT                    RECEIVED: 08/18/80  JA: WV
 8053618                  4708523818 108  APPALACHIAN ROYALTIES #H-584      MURPHY DISTRICT            4.0 CONSOLIDATED GAS SUP
 8053648                  4708523799 108  BRITTON #H-572                    MURPHY DISTRICT            4.8 CARNEGIE NATURAL GAS
 8053617                  4708523851 108  C A SCOTT # H-611                 MURPHY DISTRICT            0.9 CONSOLIDATED GAS SUP
 8053661                  4708523773 108  C G WASS #H-551                   MURPHY DISTRICT            1.9 CONSOLIDATED GAS SUP
 8053665                  4708524047 108  CLYDE FREELAND #H-620             GRANT DISTRICT             3.8 CONSOLIDATED GAS SUP
 8053655                  4708522724 108  DAVIS #1                          UNION DISTRICT             1.8 CONSOLIDATED GAS SUP
 8053649                  4702122455 108  F C GAINER #2                     DEKALB DISTRICT           11.0 CONSOLIDATED GAS SUP
 8053650                  4702122456 108  F C GAINER #3                     DEKALB DISTRICT           11.0 CONSOLIDATED GAS SUP
 8053619                  4708523837 108  FOSTER-DEEM #H-598                MURPHY DISTRICT           20.7 CONSOLIDATED GAS SUP
 8053653                  4708522771 108  H H SMITH #2                      UNION DISTRICT             0.9 PENOVA INTERESTS
 8053643                  4708522888 108  H H SMITH #3                      UNION DISTRICT             0.9 PENOVA INTERESTS
 8053659                  4708523756 108  H WASS #H-552                     MURPHY DISTRICT            0.2 CONSOLIDATED GAS SUP
 8053662                  4708523774 108  H WASS #H-554                     MURPHY DISTRICT            5.2 CONSOLIDATED GAS SUP
 8053663                  4708523784 108  J W AYERS #H-559                  MURPHY DISTRICT            1.9 CONSOLIDATED GAS SUP
 8053614                  4708523863 108  L FREDERICK # H-561               MURPHY DISTRICT            9.0 CONSOLIDATED GAS SUP
 8053664                  4708523787 108  L FREDERICK #H-560                MURPHY DISTRICT           21.2 CONSOLIDATED GAS SUP
 8053658                  4708523734 108  LEE SCOTT #H-527                  MURPHY DISTRICT            9.0 CONSOLIDATED GAS SUP
 8053642                  4708521524 108  MAXWELL #1                        MURPHY DISTRICT            0.7 PENOVA INTERESTS
 8053616                  4708523852 108  ORA L GOFF # H-618                MURPHY DISTRICT            2.7 CONSOLIDATED GAS SUP
 8053615                  4708523860 108  ORA L GOFF # H-619                MURPHY DISTRICT            2.7 CONSOLIDATED GAS SUP
 8053660                  4708523769 108  ORA L GOFF #H-558                 MURPHY DISTRICT            2.7 CONSOLIDATED GAS SUP
 8053647                  4708523797 108  POE RIDDLE #H-566                 MURPHY DISTRICT            7.4 CARNEGIE NATURAL GAS
 8053651                  4708523820 108  VALENTINE # H-588                 MURPHY DISTRICT            5.4 COLUMBIA GAS TRANSMI
 8053652                  4708524034 108  VALENTINE #H-587                  MURPHY DISTRICT           18.8 COLUMBIA GAS TRANSMI
 8053654                  4708521631 108  W & L HAUGHT #1                   MURPHY DISTRICT            1.0 CONSOLIDATED GAS SUP
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  WYOMING OIL & GAS CONSERVATION COMMISSION
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-AMOCO PRODUCTION CO                      RECEIVED: 08/15/80  JA: WY
 8053544   NG 103-80      4902320266 102  CHAMPLIN 285 AMOCO B WELL #1      FABIAN DITCH             600.0 CITIES SERVICE GAS C
 8053537   NG 87-80       4902920893 103  ELK BASIN UNIT MADISON WELL #327  ELK BASIN                  3.7 MONTANA-DAKOTA UTILI
 8053551   NG 100-80      4904120013 102  RYCKMAN CREEK UNIT WELL #11       RYCKMAN CREEK UNIT       250.0 NORTHWEST PIPELINE C
 8053555   NG 105-80      4904120163 102  RYCKMAN CREEK UNIT WELL #14       RYCKMAN CREEK            250.0 NORTHWEST PIPELINE C
 8053554   NG 104-80      4904120168 102  RYCKMAN CREEK UNIT WELL #20       RYCKMAN CREEK            677.0 NORTHWEST PIPELINE C
 8053550   NG 99-80       4904120235 102  RYCKMAN CREEK UNIT WELL #25       RYCKMAN CREEK UNIT       259.0 NORTHWEST PIPELINE C
 8053553   NG 102-80      4904120076 102  RYCKMAN CREEK UNIT WELL #3        RYCKMAN CREEK UNIT       250.0 NORTHWEST PIPELINE C
 8053552   NG 101-80      4904120077 102  RYCKMAN CREEK UNIT WELL #5        RYCKMAN CREEK UNIT       250.0 NORTHWEST PIPELINE C
-APACHE CORPORATION                       RECEIVED: 08/15/80  JA: WY
 8053546   NG 95-80       4900921609 102  MOORE #1-4                        POWELL                    68.0 MONTANA-DAKOTA UTILI
-BELCO PETROLEUM CORPORATION              RECEIVED: 08/15/80  JA: WY
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 JD NO      JA DKT          API NO     SEC D WELL NAME                                FIELD NAME                  PROD   PURCHASER
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 8053535    NG 8480         4903520557 103   BUDD 4-4 20557                           MOUNTAIN HOME              226,0 NORTHWEST PIPELINE C
 8053541    NG 48-80        4903510931 108   ELB R-9 10931                            BIG PINEY-LABARGE           16,0 NORTHWEST PIPELINE C
 8053534    NG 85-80        4902320354 103   MCGINNIS 1-17 20354                      MCGINNIS (BRAWLEY LEASE)    38,0 NORTHWEST PIPELINE C
-CITIES SERVICE COMPANY                    RECEIVED: 08/15/80  JA: WY
 8053547    NG 90-80        4904120253 102   EVANSTON TOWNSITE UNIT C #1              YELLOW CREEK                10,0 MOUNTAIN FUEL SUPPLY
 8053540    NG 89-80        4901920547 102   PORATH A #1                              TRABING                     16,0
-EXETER EXPLORATION COMPANY                RECEIVED: 08/15/80  JA: WY
 8053545    NG 97-80        4900921647 102   1-1 SCOTT-STATE                          SCOTT                       35,0 CHINOOK CONSTRUCTION
-FARMERS UNION CENTRAL EXCHANGE INC        RECEIVED: 08/15/80  JA: WY
 8053548    NG 96-80        4903721263 102   STATE 4-16                               PINE CANYON                400,0 MOUNTAIN FUEL SUPPLY
-MICHIGAN WISCONSIN PIPE LINE CO           RECEIVED: 08/15/80  JA: WY

 8053549    NG 106-80       4900921557 103   WERNER #1-14                             SOUTH SPEARHEAD            474,5 MOUNTAIN FUEL SUPPLY
-MONSANTO COMPANY                          RECEIVED: 08/15/80  JA: WY
 8053539    NG 86-80        4901320895 107   MDU BURL #1-7                            MADDEN                    1460,0 COLORADO INTERSTATE
*8053542    NG 107-80       4901320906 107   MDU SHELTER #1-19                        MADDEN                     600,0 COLORADO INTERSTATE
-MOUNTAIN FUEL SUPPLY COMPANY              RECEIVED: 08/15/80  JA: WY
 8053536    NG 8380         4902320320 103   MOUNTAIN FUEL FEE 10-1                   BRUFF AREA                 410,0 MOUNTAIN FUEL SUPPLY
-TEXACO INC                                RECEIVED: 08/15/80  JA: WY
 8053543    NG 98-80        4903721523 107   TABLE ROCK UNIT WELL NO 42               TABLE ROCK                1500,0 COLORADO INTERSTATE
-THE KEMMERER COAL COMPANY                 RECEIVED: 08/15/80  JA: WY
 8053538    NG 88-80        4900720347 103   CRESTON UNIT 21-1                        CRESTON UNIT NO 3            0,0 CITIES SERVICE GAS C
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** U.S. GEOLOGICAL SURVEY - CASPER,WY
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-GENERAL CRUDE OIL COMPANY                 RECEIVED: 08/15/80  JA: CO  5
 8053523    CC 938-9        0510308096 103   FEDERAL NO 1-30                          COLOROW GULCH              230,0 NORTHWEST PIPE LINE
-MITCHELL ENERGY CORPORATION               RECEIVED: 08/15/80  JA: CO   5
 8053521    CC 1344-9       0504561720 103   FEDERAL 1-34 C-12701                     WEST SALT CREEK            150,0 COLORADO INTERSTATE
-NORTHWEST EXPLORATION COMPANY             RECEIVED: 08/15/80  JA: CO  5
 8053527    CC 1049-9A      0510308062 103   PHILADELPHIA CREEK #14                   PHILADELPHIA CREEK           5,0 NORTHWEST PIPELINE C
-FALCON-COLORADO EXPLORATION INC           RECEIVED: 08/15/80  JA: MT  5
 8053525    M 1313-9        2507121684 103   1-26 HICKMAN                             SWANSON CREEK                9,3 MONTANA-DAKOTA UTILI
-SOUTHLAND ROYALTY CO                      RECEIVED: 08/15/80  JA: MT  5
 8053517    M 1343          2507121709 103   FEDERAL 2-6-25NE                         BOWDOIN-SWANSON CREEK       36,0 MONTANA - DAKOTA UTI
-NP ENERGY CORPORATION                     RECEIVED: 08/15/80  JA: UT  5
 8053524    UC 1256-9       4301930302 103 D FEDERAL 19-3                             CISCO DOME AREA             18,2 NORTHWEST PIPELINE C
-ANADARKO PRODUCTION COMPANY               RECEIVED: 08/15/80  JA: WY  5
 8053520    W-1307-9        4903721354 103   PINE CANYON NO 1-18                      PINE CANYON                464,0 PANHANDLE EASTERN PI
-BELCO PETROLEUM CORPORATION               RECEIVED: 08/15/80  JA: WY  5
 8053522    W 1175-9        4903520489 102   FCU 9-21 20489                           FOGARTY CREEK UNIT           0,0 NORTHWEST PIPELINE C
-CHINOOK RESOURCES INC                     RECEIVED: 08/15/80  JA: WY  5
 8053518    W 1326-9        4900921492 103   JIM HARRELL UNIT #1 W52592               MIKES DRAW                  12,0 INEXCO OIL CO
 8053519    W 1327-9        4900921457 103   49-028640 FEDERAL HALL 1-13              DON DRAW                    25,0 INEXCO OIL CO
-DIAMOND SHAMROCK CORPORATION              RECEIVED: 08/15/80  JA: WY  5
 8053528    W 1188-9        4902320322 102   WHISKEY BUTTES NO 41                     WHISKEY BUTTES              90,0 STAUFFER CHEMICAL CO
-MICHIGAN WISCONSIN PIPE LINE CO           RECEIVED: 08/15/80  JA: WY  5
 8053526    W 1057-9        4901300208 107   BOYSEN TRIBAL #1-24                      SAND MESA                  600,0 MONTANA-DAKOTA UTILI

 OTHER PURCHASERS
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8053414     EL PASO NATURAL GAS CO
8053417     EL PASO NATURAL GAS CO
8053542     KANSAS-NEBRASKA NATURAL GAS CO
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BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf).

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before October 2, 1980.

Please reference the FERC Control Number (JD NO) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28427 Filed 9-16-80; 8:45 am]

BILLING CODE 6450-85-M

[Volume 275]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued September 5, 1980.

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 JD NO    JA DKT        API NO     SEC D WELL NAME                             FIELD NAME               PROD      PURCHASER
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**********************************************************************************
   ALABAMA OIL & GAS BOARD
**********************************************************************************
-ANDERMAN OPERATING COMPANY             RECEIVED: 08/18/80  JA: AL
 8053680  8-6-802 PDA    0107520273 102   LEONARD YOUNGHANSE #27-1             BLOWHORN CREEK OIL FIELD      54.8
-UNION OIL COMPANY OF CALIF             RECEIVED: 08/18/80  JA: AL
*8053681  8-6-803 PD     0109720171 107   R L SMITH ET AL 12-11 NO 1           CHUNCHULA                    730.0 UNITED GAS PIPE LINE
**********************************************************************************
   COLORADO OIL & GAS COMMISSION
**********************************************************************************
-AMOCO PRODUCTION CO                    RECEIVED: 08/22/80  JA: CO
 8053771  79-607         0512309580 103   JACK C NOEL UNIT WELL #2             HAMBERT                      166.0 PANHANDLE EASTERN PI
 8053770  79-596         0512309471 103   LOUIS DINNER UNIT #2                 HAMBERT                      246.0 PANHANDLE EASTERN PI
 8053793  80-223         0506705777 108   PAN AMERICAN FEE GAS UNIT A #1       IGNACIO BLANCO MESAVERDE      10.0 WESTERN SLOPE GAS CO
-ARCO OIL AND GAS COMPANY               RECEIVED: 08/22/80  JA: CO
 8053788  80-234         0506706321 103   SOUTHERN UTE 24-2 33-10              IGNACIO BLANCO               438.0 WESTERN SLOPE GAS CO
-CHANDLER & ASSOCIATES INC              RECEIVED: 08/22/80  JA: CO
 8053789  80-199         0507708220 103   WALCK 1-5                            PLATEAU                      187.0 NORTHWEST PIPELINE C
-CONTINENTAL GAS TRANSMISSION           RECEIVED: 08/22/80  JA: CO
 8053779  80-202         0500107477 103   #1-32 TRUPP                          HAWKEYE                       38.0 PANHANDLE EASTERN PI
 8053780  80-203         0500107538 103   #2-32 TRUPP                          HAWKEYE                       43.0 PANHANDLE EASTERN PI
 8053775  80-233         0500107575 103   1-14 MEYER                           WILDCAT                      600.0 PANHANDLE EASTERN PI
 8053781  80-204         0500107462 103   1-31 CHAMPLIN                        HAWKEYE                       80.0 PANHANDLE EASTERN PI
 8053774  80-232         0500107608 103   2-14 MEYER                           PORTER                       300.0 PANHANDLE EASTERN PI
 8053778  80-201         0500107483 103   2-32 BECKER                          HAWKEYE                       50.0 PANHANDLE EASTERN PI
-ENERGY MINERALS CORPORATION            RECEIVED: 08/22/80  JA: CO
 8053782  80-229         0512309677 103   BUCHHOLZ #1                          ROGGEN                        25.0 PHILLIPS PETROLEUM C
 8053791  80-180         0512309608 108   MAURICE #1                           ROGGEN                        21.0 CRYSTAL GAS RESOURCE
 8053783  80-228         0512309756 103   NELSON #1                            ROGGEN FIELD                  36.0 PHILLIPS PETROLEUM C
 8053790  80-68          0512309561 108   NICK #1                              ROGGEN FIELD                  17.0 PHILLIPS PETROLEUM C
-KANSAS-NEBRASKA NATURAL GAS CO INC     RECEIVED: 08/22/80  JA: CO
 8053797  79-822         0512506074 108   ROSE 1-18                            BEECHER ISLAND                22.0 KANSAS-NEBRASKA NATU

-LADD PETROLEUM CORPORATION             RECEIVED: 08/22/80  JA: CO
 8053798  80-231         0506706281 103   MCELVAIN NU 2-25                     IGNACIO BLANCO               531.3 EL PASO NATURAL GAS
-LYNCO OIL CORPORATION                  RECEIVED: 08/22/80  JA: CO
 8053799  80-224         0506706284 103   GAINES #1                            IGNACIO BLANCO MESAVERDE      35.0 NORTHWEST PIPELINE C
-MACEY & MERSHON OIL INC                RECEIVED: 08/22/80  JA: CO
 8053772  80-206         0512309758 103   JILLSON GAS UNIT #1                  WATTENBERG                   120.0 PANHANDLE EASTERN PI
 8053773  80-205         0512309867 103   STROH-ANDERSON #1                    WATTENBERG                    73.0 PANHANDLE EASTERN PI
-NIELSON ENTERPRISES INC                RECEIVED: 08/22/80  JA: CO
 8053804  80-164         0512309871 103   ECKHARDT #2                          HAMBERT SUSSEX                 0.0 PANHANDLE EASTERN PI
 8053792  79-785         0512309325 103   HIGLEY #2                            SPINDLE                       15.0 PANHANDLE EASTERN PI
 8053802  80-190         0512309857 103   HOMESTEAD #1                         SPINDLE                        0.0 PANHANDLE EASTERN PI
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 JD NO    JA DKT        API NO     SEC D WELL NAME                          FIELD NAME                PROD    PURCHASER
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 8053769  79-568        0512309609 103   MCARTHUR #2                        HAMBERT                     200.0 PANHANDLE EASTERN PI
*8053795  80-22         0512309772 103   MCCARTHY #1A                       HAMBERT                     105.0 PANHANDLE EASTERN PI
 8053801  80-226        0512308038 108   SARCHET #1                         WATTENBERG                   20.0 PANHANDLE EASTERN PI
 8053800  80-183        0512309808 103   STATE OLIN #2                      WATTENBERG                    0.0 COLORADO INTERSTATE
 8053794  80-21         0512309765 103   STATE-OLIN #1                      WATTENBERG                   87.5 COLORADO INTERSTATE
 8053803  79-567        0512309610 103   WILLIAM EWING GAS UNIT #2          HAMBERT                       2.0 PANHANDLE EASTERN PI
-NORTHWEST EXPLORATION COMPANY          RECEIVED: 08/22/80  JA: CO
 8053807  80-215        0504506205 103   CLOUGH #4                          RULISON WASATCH              55.0 NORTHWEST PIPELINE C
 8053809  80-217        0504506209 103   GOLDING #1                         RULISION MESAVERDE          182.0 NORTHWEST PIPELINE C
 8053808  80-216        0504506208 103   LANGSTAFF #1                       RULISON MESAVERDE           365.0 NORTHWEST PIPELINE C
-NORTHWEST PIPELINE CORPORATION         RECEIVED: 08/22/80  JA: CO
 8053806  80-212        0506700000 108   BONDAD 33-9 #12                    IGNACIO BLANCO MESAVERDE     12.0 NORTHWEST PIPELINE C
 8053810  80-214        0506705524 108   BONDAD 33-9 #24                    IGNACIO BLANCO MESAVERDE     17.0 EL PASO NATURAL GAS
-PANHANDLE WESTERN GAS CO               RECEIVED: 08/22/80  JA: CO
 8053787  80-225        0500107423 103   YOUNG #9-5                         TOTEM                        73.0 PANHANDLE EASTERN PI
-RINCON OPERATING CO                    RECEIVED: 08/22/80  JA: CO
 8053786  80-235        0500506405 103   CRAIG #1                           WILDCAT                     500.0 SUN GAS CO
-SAMUEL GARY OIL PRODUCER               RECEIVED: 08/22/80  JA: CO
 8053796  80-220        0500107430 103   6-2 GFTR - STATE                   WILDCAT                      61.3 PANHANDLE EASTERN PI
-TENNECO OIL COMPANY                    RECEIVED: 08/22/80  JA: CO
 8053785  80-200        0508106393 102   PILGRIM 1-10                       GREAT DIVIDE - LEWIS        200.0
-TESORO PETROLEUM CORP                  RECEIVED: 08/22/80  JA: CO
 8053777  80-221        0512506396 102   HILLMAN #1                         RED WILLOW                  170.0 CITIES SERVICE GAS C
 8053776  80-222        0512506397 102   KORF #1                            ROCK CREEK                   75.0 CITIES SERVICE GAS C
-TEXAS OIL & GAS CORP                   RECEIVED: 08/22/80  JA: CO
 8053805  80-239        0500906270 102   HANCOCK M #1                       WALSH                        90.0 NUECES CO
 8053784  80-238        0500906268 103   ROBBINS RANCH C #1                 STONINGTON                   75.0 NUECES CO
-VESSELS OIL & GAS COMPANY              RECEIVED: 08/22/80  JA: CO
 8053768  79-762        0512309749 103   DINNER NO 2                        HAMBERT                     274.0 PANHANDLE EASTERN PI
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   MICHIGAN DEPARTMENT OF NATURAL RESOURCES
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-AMOCO PRODUCTION CO                    RECEIVED: 08/18/80  JA: MI
 8053678                2107933112 103   STATE KALKASKA /F/ #2-24           KALKASKA 24-27N-8W          200.0 CONSUMERS POWER CO
-TRAVERSE CORPORATION                   RECEIVED: 08/19/80  JA: MI
 8053683                2105533471 103   D P S ASSOCIATES #1-36A            GRANT 36 T25N R12W            0.6 CONSUMERS POWER CO
 8053682                2105533350 102   NICKERSON ET AL #1-1               MAYFIELD 1 B T25N R11W        2.8 CONSUMERS POWER CO
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   MONTANA BOARD OF OIL & GAS CONSERVATION
************************************************************************************
-FULTON PRODUCING COMPANY               RECEIVED: 08/18/80  JA: MT
*8053679  6-80-176      2510121528 102   PARSELL NO 22-25                   GOLD BUTTE                   30.0 MINERS COULEE GAS CO
-FULTON PRODUCING COMPANY               RECEIVED: 08/19/80  JA: MT
*8053684  6-80-173      2510121670 102   PARSELL NO 34-25                   MINERS COULEE               430.0 MINERS COULEE GAS CO
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   NEW MEXICO DEPARTMENT OF ENERGY & MINERALS
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-AMOCO PRODUCTION CO                    RECEIVED: 08/22/80  JA: NM
 8053749                3002526294 103   ANDERSON 3 COM #1                  ANDERSON RANCH             1166.0 NATURAL GAS PIPELINE
 8053748                3002526154 103   STATE GM WELL NO 1                 TOWNSEND MORROW            1795.0 NATURAL GAS PIPELINE
 8053752                3002526488 103   STATE MQ #1(UPPER BONE)            AIRSTRIP UPPER BONE SPRI    144.5 WARREN PETROLEUM CO
 8053753                3002526488 103   STATE MQ #1(WOLFCAMP)              AIRSTRIP WOLFCAMP            14.6 WARREN PETROLEUM CO
-BASS ENTERPRISES PRODUCTION CO         RECEIVED: 08/22/80  JA: NM
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                                                                                    VOLUME  275           PAGE  003
JD NO     JA DKT       API NO     SEC D WELL NAME                              FIELD NAME                  PROD   PURCHASER
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8053729                3002526337 102   BASS STATE 36 NO 1                     MORROW                     216.0 TIPPERARY CORP
-STA OIL PRODUCERS                    RECEIVED: 08/22/80  JA: NM
8053767                3002500000 103   7406 LEA #2                            COMANCHE STATELINE-TANSI     4.5 EL PASO NATURAL GAS
8053766                3002500000 103   7406 LEA #4                            COMANCHE STATELINE-TANSI     3.1 EL PASO NATURAL GAS
8053764                3002500000 103   7406 LEA #5                            COMANCHE STATELINE-TANSI     2.9 EL PASO NATURAL GAS

8053763                3002500000 103   7406 LEA #6                            COMANCHE STATELINE-TANSI     3.7 EL PASO NATURAL GAS
8053762                3002500000 103   7406 LEA #7                            COMANCHE STATELINE-TANSI     2.6 EL PASO NATURAL GAS
8053761                3002500000 103   7406 LEA #8                            COMANCHE STATELINE-TANSI     4.5 EL PASO NATURAL GAS
8053760                3002500000 103   7406 LEA #9-Y                          COMANCHE STATELINE-TANSI     5.1 EL PASO NATURAL GAS
8053741                3002500000 103   7909 BELL LAKE #1                                                2190.0 TRANSWESTERN PIPELIN
-COQUINA OIL CORPORATION              RECEIVED: 08/22/80  JA: NM
8053732                3002500000 108   JANDA STATE #2                         LANGLIE-MATTIX               3.0 EL PASO NATURAL GAS
-DALLAS MCCASHLAND                    RECEIVED: 08/22/80  JA: NM
8053733                3002500000 108   DEVONIAN CHRISTMAS NO 2                JALMAT                      18.5 EL PASO NATURAL GAS
-GETTY OIL COMPANY                    RECEIVED: 08/22/80  JA: NM
8053743                3004523631 103   FARMING F WELL NO 1                    BLANCO PICTURED CLIFFS      50.0 NORTHWEST PIPELINE C
-MNG OIL COMPANY                      RECEIVED: 08/22/80  JA: NM
8053734                3001522529 108   WOODS 9 COM #2 NM17045                 WEST MALAGA (MORROW)        16.0 EL PASO NATURAL GAS
-HORACE P MCKAY JR                    RECEIVED: 08/22/80  JA: NM
8053742                3004523265 103   SULLIVAN NO 3A                         AZTEC/PICTURED CLIFF        90.0 EL PASO NATURAL GAS
-J GREGORY MERRION                    RECEIVED: 08/22/80  JA: NM
8053751                3003922285 103   FEDERAL 3-E                            BASIN DAKOTA               150.0 EL PASO NATURAL GAS
-MARALO INC                           RECEIVED: 08/22/80  JA: NM
8053731                3002500000 102   MARALO 16 STATE #7                     SIOUX YATES POOL           113.7 EL PASO NATURAL GAS
8053730                3002500000 102   MARALO 16 STATE #8                     SIOUX YATES POOL            68.4 EL PASO NATURAL GAS
-MCCLELLAN OIL CORPORATION            RECEIVED: 08/22/80  JA: NM
8053755                3000560510 103   MARATHON STATE NO 1 #L-4749            DOUBLE L QUEEN ASSOC        18.3 PHILLIPS PETROLEUM C
8053758                3000560585 103   MARLISUE STATE #5 #K-6772              DOUBLE L QUEEN ASSOC         1.6 PHILLIPS PETROLEUM C
8053756                3000560526 103   MARLISUE STATE NO 2 WELL #K-6772       DOUBLE L QUEEN ASSOC         5.5 PHILLIPS PETROLEUM C
8053757                3000560550 103   MARLISUE STATE NO 4 WELL #K-6772       DOUBLE L QUEEN ASSOC         0.3 PHILLIPS PETROLEUM C
8053759                3000560646 103   MARLISUE STATE NO 6 #K-6772            DOUBLE L QUEEN ASSOC        21.9 PHILLIPS PETROLEUM C
-MESA PETROLEUM                       RECEIVED: 08/22/80  JA: NM
8053754                3001522971 103   NASH #7                                NASH DRAW MORROW          1000.0 TRANSWESTERN PIPELIN
-NORTHWEST PIPELINE CORPORATION       RECEIVED: 08/22/80  JA: NM
8053735                3003921053 108   SAN JUAN 29-5 #71                      BASIN DAKOTA                17.0 EL PASO NATURAL GAS
8053736                3003907603 108   SAN JUAN 29-6 #94NP                    BASIN DAKOTA                 0.0 EL PASO NATURAL GAS
8053737                3003908076 108   SAN JUAN 29-6 NP #96                   BASIN DAKOTA                 0.0 EL PASO NATURAL GAS
-PETROLEUM CORP OF DELAWARE           RECEIVED: 08/22/80  JA: NM
8053740                3001523033 103   PARKWAY WEST UNIT WELL NO 8            PARKWAY WEST (MORROW)      250.0 EL PASO NATURAL GAS
-PHILLIPS PETROLEUM COMPANY           RECEIVED: 08/22/80  JA: NM
8053739                3002501435 108   LEAMEX #9                              LEAMEX WOLFCAMP              5.0 EL PASO NATURAL GAS
8053750                3002526759 103   LEAMEX WELL NO 26                      LEAMEX PADDOCK              31.0 EL PASO NATURAL GAS
-SUPRON ENERGY CORPORATION            RECEIVED: 08/22/80  JA: NM
8053744                3004524155 103   LESTER NO 1-A                          BLANCO MESAVERDE           146.0 SOUTHERN UNION GATHE
-TENNECO OIL COMPANY                  RECEIVED: 08/22/80  JA: NM
8053765                3004524137 103   SAN JUAN GRAVEL A 1-E                  BASIN DAKOTA               500.0 EL PASO NATURAL GAS
-TEXACO INC                           RECEIVED: 08/22/80  JA: NM
8053738                3004508938 108   NEW MEXICO COM O NO 1                  BASIN DAKOTA                 4.0 NORTHWEST PIPELINE C
-YATES PETROLEUM CORPORATION          RECEIVED: 08/22/80  JA: NM
8053745                3001523199 103   GREASEWOOD BD STATE NO 7               PENASCO DRAW SA YESO         0.0 TRANSWESTERN PIPELIN
8053747                3001523238 103   PENASCU IW SHALLOW NO 4                PENASCU DRAW SA YESU         0.0 TRANSWESTERN PIPELIN
8053746                3002526591 103   SOMBRERO MS STATE NO 1                 KEMNITZ CISCO KEMNITZ WO     0.0 CONOCO INC
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 JD NO     JA DKT         API NO      SEC D WELL NAME                             FIELD NAME                PROD     PURCHASER
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*********************************************************************************************************
  VIRGINIA DEPARTMENT OF LABOR & INDUSTRY
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-COLUMBIA GAS TRANSMISSION CORP          RECEIVED: 08/22/80  JA: VA
 8053714                  4502720290 103   ALFRED DEEL ET AL 820471              HAYSI FIELD VIRGINIA FIE     100.0 COLUMBIA GAS TRANSMI
 8053725                  4502720277 102   BIG SANDY COAL COMPANY 820439         VIRGINIA FIELD AREA HAYS      55.0 COLUMBIA GAS TRANSMI
 8053692                  4502719964 108   BIG SANDY FUEL CO 809548              VIRGINIA FIELD AREA HAYS       7.3 COLUMBIA GAS TRANSMI
 8053703                  4502719963 108   BIG SANDY FUEL CU 809549              VIRGINIA FIELD AREA HAYS       1.6 COLUMBIA GAS TRANSMI
 8053691                  4502719956 108   BIG SANDY FUEL CU 809551              VIRGINIA FIELD AREA HAYS       3.6 COLUMBIA GAS TRANSMI
 8053693                  4505119861 108   BIG SANDY FUEL CO 809554              VIRGINIA FIELD AREA HAYS      12.8 COLUMBIA GAS TRANSMI
 8053724                  4502720311 102   BUCHANAN ENERGY CORP 820435           VIRGINIA FIELD AREA HURL      50.0 COLUMBIA GAS TRANSMI
 8053689                  4502720314 107   BUCHANAN REALTY CORP 820436           VIRGINIA FIELD AREA HURL     100.0 COLUMBIA GAS TRANSMI
 8053701                  4502720209 108   BULL CREEK CUAL CO 820214             VIRGINIA FIELD AREA HAYS       2.4 COLUMBIA GAS TRANSMI
 8053716                  4502720286 103   G DEEL 820546                         HAYSI FIELD VIRGINIA FIE      70.0 COLUMBIA GAS TRANSMI
 8053721                  4502720252 103   G W YATES ET AL 820301                HAYSI FIELD VIRGINIA FIE     220.0 COLUMBIA GAS TRANSMI
 8053726                  4502720287 102   HELEN WARFIELD 820440                 VIRGINIA FIELD AREA HURL     100.0 COLUMBIA GAS TRANSMI

 8053718                  4502720279 103   HOWARD COLEMAN ET AL 820467           HAYSI FIELD VIRGINIA FIE      40.0 COLUMBIA GAS TRANSMI
 8053717                  4502720309 103   J L ELSWICK 820552                    HAYSI FIELD VIRGINIA FIE     168.0 COLUMBIA GAS TRANSMI
 8053719                  4502720271 103   KENTLAND C&C 820468                   HAYSI FIELD VIRGINIA FIE      32.0 COLUMBIA GAS TRANSMI
 8053697                  4502720151 108   LONDON MACKNEY ETAL 809766            VIRGINIA FIELD AREA HAYS       6.0 COLUMBIA GAS TRANSMI
 8053685                  4502720282 107   MISSION SCHOOL 820441                 VIRGINIA FIELD AREA HURL      10.5 COLUMBIA GAS TRANSMI
 8053710                  4502720282 103   MISSION SCHOOL 820441                 VIRGINIA FIELD AREA HURL      21.0 COLUMBIA GAS TRANSMI
 8053688                  4502720313 107   NEW ERA COAL CU 820365                VIRGINIA FIELD AREA HURL      60.0 COLUMBIA GAS TRANSMI
 8053722                  4519520190 102   PENN VIRGINIA CORP #4 820120          HIGH KNOB VIRGINIA FIELD      60.0 COLUMBIA GAS TRANSMI
 8053686                  4519520253 107   PENN VIRGINIA CORP 820338             HIGH KNOB FIELD VIRGINIA      76.0 COLUMBIA GAS TRANSMI
 8053687                  4519520181 107   PENN VIRGINIA CORPORATION #6 820055 HIGH KNOB FIELD VIRGINIA      20.0 COLUMBIA GAS TRANSMI
 8053727                  4519500182 102   PENN-VIRGINIA COMPANY NO 5 820056     VIRGINIA FIELD AREA HIGH      80.0 COLUMBIA GAS TRANSMI
 8053696                  4502720039 108   PITTSTUN CU NO 1 809581               VIRGINIA FIELD AREA HAYS      13.8 COLUMBIA GAS TRANSMI
 8053707                  4505120069 108   PITTSTON CU NO 16 809644              VIRGINIA FIELD AREA HAYS      11.0 COLUMBIA GAS TRANSMI
 8053694                  4502720074 108   PITTSTON CO NO 21 809680              VIRGINIA FIELD AREA HAYS       2.6 COLUMBIA GAS TRANSMI
 8053720                  4502720267 103   PITTSTUN CU NO 51 820469              HAYSI FIELD VIRGINIA FIE       2.8 COLUMBIA GAS TRANSMI
 8053713                  4502720265 103   PITTSTON CO NO 52 820470              HAYSI FIELD VIRGINIA FIE      46.8 COLUMBIA GAS TRANSMI
 8053709                  4505120043 108   PITTSTON CU NO 7 809588               VIRGINIA FIELD AREA HAYS      12.8 COLUMBIA GAS TRANSMI
 8053700                  4502720053 108   PITTSTUN CU 809584                    VIRGINIA FIELD AREA HAYS       2.1 COLUMBIA GAS TRANSMI
 8053706                  4502720046 108   PITTSTON CU 809586                    VIRGINIA FIELD AREA HAYS       9.1 COLUMBIA GAS TRANSMI
 8053711                  4502720298 103   PITTSTON CU 820554                    HAYSI FIELD VIRGINIA FIE      11.5 COLUMBIA GAS TRANSMI
 8053728                  4502720298 102   PITTSTUN CO 820554                    VIRGINIA FIELD AREA HAYS       3.1 COLUMBIA GAS TRANSMI
 8053712                  4502720326 103   PITTSTUN CO 820687                    HAYSI FIELD VIRGINIA FIE       5.9 COLUMBIA GAS TRANSMI
 8053705                  4505120124 108   THE PITTSTON CO NO 21 809760          VIRGINIA FIELD AREA HAYS       9.1 COLUMBIA GAS TRANSMI
 8053695                  4505120138 108   THE PITTSTUN CU NO 37 809834          VIRGINIA FIELD AREA HAYS       5.0 COLUMBIA GAS TRANSMI
 8053702                  4505120145 108   THE PITTSTUN CU NO 39 809764          VIRGINIA FIELD AREA HAYS       9.6 COLUMBIA GAS TRANSMI
 8053708                  4505120104 108   THE PITTSTUN CO 809689                VIRGINIA FIELD AREA HAYS      15.3 COLUMBIA GAS TRANSMI
 8053699                  4505120132 108   THE PITTSTON CO 809757                VIRGINIA FIELD AREA HAYS       9.2 COLUMBIA GAS TRANSMI
 8053698                  4505120133 108   THE PITTSTUN CO 809758                VIRGINIA FIELD AREA HAYS      10.4 COLUMBIA GAS TRANSMI
 8053690                  4505120125 107   THE PITTSTON CU 809759                HAYSI FIELD VIRGINIA FIE      12.0 COLUMBIA GAS TRANSMI
 8053704                  4505120123 108   THE PITTSTON CU 809761                VIRGINIA FIELD AREA HAYS       1.2 COLUMBIA GAS TRANSMI
 8053715                  4502720305 103   THE PITTSTUN COMPANY 820553           HAYSI FIELD VIRGINIA FIE      73.5 COLUMBIA GAS TRANSMI
 8053723                  4516920235 102   WILLIAM M COHEN #1 820252             VIRGINIA FIELD AREA HIGH      40.0 COLUMBIA GAS TRANSMI

 OTHER PURCHASERS
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8053679      MONTANA POWER CO
8053681      PHILLIPS PETROLEUM CO
8053684      MONTANA POWER CO
8053795      COLORADO INTERSTATE GAS CO
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BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf).

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before October 2, 1980.

Please reference the FERC Control Number (JD NO) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28428 Filed 9-16-80; 8:45 am]

BILLING CODE 6450-85-M

[Volume 266]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued September 3, 1980.

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  JD NO      JA DKT        API NO     SEC() WELL NAME                             FIELD NAME                    PROD   PURCHASER
  -----      ------        ------     --- - ---------                             ----------                    ----   ---------
************************************************************************************************
  KANSAS CORPORATION COMMISSION
************************************************************************************************
-AMOCO PRODUCTION CO                               RECEIVED:  07/31/80  JA: KS
 8050575   K-80-0353     1509300000 108   LINDNER GAS UNIT #1 (2ND FILING)     HUGOTON                        17.0 CITIES SERVICE GAS C
-BENSON MINERAL GROUP                              RECEIVED:  07/31/80  JA: KS
 8050548   K-80-0081     1505720055 102   BARNGROVER #3                        WILLROADS                     109.5 CITIES SERVICE
-BEREN CORPORATION                                 RECEIVED:  07/31/80  JA: KS
 8050549   K-80-0291     1518520943 103   IRMA #1                              WIL EAST                      180.0
 8050550   K-80-0290     1509320520 103   RICE #1                              PANCMA                         21.6
-BYRON E HUMMON JR                                 RECEIVED:  07/31/80  JA: KS
 8050567   K-80-0367     1504720507 103   CROCKETT #1                          MULL                           21.0 KANSAS-NEBRASKA NATU
 8050566   K-80-0368     1504720532 103   CROCKETT #2                          MULL                           21.0 KANSAS-NEBRASKA NATU
 8050568   K-80-0366     1504720527 103   CROCKETT #3                          MULL                           21.0 KANSAS-NEBRASKA NATU
 8050569   K-80-0365     1504720551 103   CROCKETT #4                          MULL                            0.0 KANSAS-NEBRASKA NATU
-CALVIN EXPLORATION INC                            RECEIVED:  07/31/80  JA: KS
 8050554   K-80-0382     1511920373 103   COTTRELL 1-21                        W/C                           365.0
 8050553   K-80-0383     1511920365 103   SHINOGLE 1-24                        W/C                           365.0
-CINCO EXPLORATION COMPANY                         RECEIVED:  07/31/80  JA: KS
 8050558   K-80-0226     1509720555 102   L M STEVENS NC 1-8                   WILDCAT                       200.0 PANHANDLE EASTERN PI
 8050557   K-80-0108     1509720554 102   V MACHESNEY A #1                     WILDCAT                       500.0 PANHANDLE EASTERN PI
-GRAVES DRILLING CO INC                            RECEIVED:  07/31/80  JA: KS
 8050552   K-80-0288     1500720849 103   BOOR NO 1                            C E/2NE SW SECTION 12-32       18.0 KANSAS POWER & LIGHT
-IMPERIAL OIL COMPANY                              RECEIVED:  07/31/80  JA: KS
 8050559   K-80-0272     1504720514 102   MUNDHENKE #1-5                       WC                            150.0 KANSAS-NEBRASKA NATU
 8050576   K-80-0346     1509720588 103   RINKEL #1-11                         WELLSFORD NE                   33.9 PANHANDLE EASTERN PI
-KAN-GO INC                                        RECEIVED:  07/31/80  JA: KS
 8050573   K-80-0357     1511520429 108   DUNN/VOTH #1                         EXT DOLES PARK                 13.9 CLOVER PIPELINE CORP
-KANSAS-NEBRASKA NATURAL GAS CO INC                RECEIVED:  07/31/80  JA: KS
 8050551   K-80-0289     1505510000 108   COOK #1                              HUGOTON                        19.0
-LINDELL R CHURCH                                  RECEIVED:  07/31/80  JA: KS
 8050561   K-80-0374     1509921106 102   C RUTTGEN #1                         BARTLETT                       36.0 CITIES SERVICE GAS C
 8050560   K-80-0375     1509921107 102   C RUTTGEN #2                         BARTLETT                        0.0 CITIES SERVICE GAS C
 8050555   K-80-0381     1509921073 102   HART #5                              BARTLETT                       36.0 CITIES SERVICE GAS C
-OIL PROPERTIES CO INC                             RECEIVED:  07/31/80  JA: KS
 8050570   K-80-0362     1515520621 102   GILROY #1                                                           36.5 PANHANDLE EASTERN PI
 8050571   K-80-0361     1515520641 102   RICHARDSON #1                                                       36.5 PANHANDLE EASTERN PI
 8050574   K-80-0355     1509520371 108   SHAUFLER NO 1                        FANNIE                         16.0 PEOPLES NATURAL GAS
-RAYMOND OIL COMPANY INC                           RECEIVED:  07/31/80  JA: KS
 8050565   K-80-0369     1500720811 103   CARR #2                              DEERHEAD                      100.0 KANSAS GAS SUPPLY CO
 8050563   K-80-0371     1500720667 103   MILLS A-1                            DEERHEAD                      100.0 KANSAS GAS SUPPLY CO
 8050564   K-80-0370     1500720700 103   MILLS R-1                            DEERHEAD                      100.0 KANSAS GAS SUPPLY CC
 8050562   K-80-0372     1500720620 103   OLSON #1                             NONE (WILDCAT WELL)            70.0 CENTRAL STATES GAS C
-TEXAS ENERGIES INC                                RECEIVED:  07/31/80  JA: KS
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                                                                                 VOLUME 766            PAGE 002
 JD NO     JA DKT        API NO      SEC D WELL NAME                          FIELD NAME                PROD   PURCHASER
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 8050572   K-80-0360     1515120676 103   TATLOCK-CHITWOOD #1                  TATLOCK SW                 54.8 PANHANDLE EASTERN PI
-TEXAS OIL & GAS CORP                   RECEIVED:  07/31/80  JA: KS
 8050556   K-80-0177     1515120687 102   JONES P #1                           N BREHM                    12.5 CENTRAL STATES GAS C
*****************************************************************************************
   LOUISIANA OFFICE OF CONSERVATION
*****************************************************************************************
-ALAN D CALDERON                        RECEIVED:  07/30/80  JA: LA
 8050174   80-2648       1711121434 108   HSA #8                               MONROE                      1.0 INTERNATIONAL MINERA
-AMOCO PRODUCTION CO                    RECEIVED:  07/30/80  JA: LA
 8050134   80-2751       1702321421 103   STATE LEASE 42 #165                  WEST HACKBERRY             36.0 VALLEY GAS TRANSMISS
*8050064   80-2756       1707720203 107   18100 TUSC RA SUD J T BUTLER #1      MOORE-SAMS                 36.5 TEXAS GAS TRANSMISSI
-B G DENTON                             RECEIVED:  07/30/80  JA: LA
 8050072   80-2726       1702120387 103   OLINKRAFT NO 1 (156209)              SARDIS CHURCH              60.0 UNITED GAS PIPELINE
 8050071   80-2727       1702120551 103   OLINKRAFT NO 3 (162423)              SARDIS CHURCH              90.0 UNITED GAS PIPELINE
 8050126   80-2753       1702120505 103   VUA OLINKRAFT NO 2 (161420)          N GRAYSON                  70.0 TRUNKLINE GAS CO
-BLACK BAYOU MANAGEMENT CO INC          RECEIVED:  07/30/80  JA: LA
 8050127   80-2752       1712720809 103   LOUISIANA PACIFIC W#1                NORTHEAST HICKORY VALLEY  126.0 UNITED GAS PIPE LINE
-BROCK EXPLORATION CORP                 RECEIVED:  07/30/80  JA: LA
 8050178   80-2674       1703320076 102   LSU #5                               UNIVERSITY                539.0 ROMANOFF CORP

-CARIBBEAN OIL & GAS CORP               RECEIVED:  07/30/80  JA: LA
 8050098   80-2638       1771120236 103   STATE LEASE 4469 #1                  SHIP SHOAL BLOCK 40         0.0 TEXAS GAS TRANSMISSI
-CRYSTAL OIL COMPANY                    RECEIVED:  07/30/80  JA: LA
 8050139   80-2746       1703120958 103   BAGLEY NO 1                          BETHANY-LONGSTREET        183.0 ARKANSAS LOUISIANA G
 8050094   80-2704       1701723294 103   NETTIE SONIAT #17                    GREENWOOD - WASKOM          3.6 ARKANSAS - LOUISANA
 8050093   80-2705       1701723298 103   NETTIE SONIAT #21                    GREENWOOD - WASKOM          3.3 ARKANSAS LOUISANA GA
 8050092   80-2706       1701723441 103   NETTIE SONIAT #22                    GREENWOOD - WASKOM          4.3 ARKANSAS LOUISANA GA
-DONALD J ZADECK                        RECEIVED:  07/30/80  JA: LA
 8050145   80-2741       1703121122 103   ZADECK ET AL #1 HARRISON-BROWN       BELLE BOWER               273.0 ARKANSAS LOUISIANA G
-DREW CORNELL INC                       RECEIVED:  07/30/80  JA: LA
 8050138   80-2747       1705520182 103   F A BROUSSARD NO 1                   SHUTESTON                  70.0 LOUISIANA INTRASTATE
-ENERGY FINDERS INC                     RECEIVED:  07/30/80  JA: LA
 8050086   80-2742       1708120334 103   HAND #1-160413                       RED RIVER-BULL BAYOU       50.0 LA INTRASTATE GAS CO
 8050085   80-2743       1708120352 103   HAND #2-162905                       RED RIVER-BULL BAYOU       50.0 LA INTRASTATE GAS CO
-ERGON INC                              RECEIVED:  07/30/80  JA: LA
 8050147   80-2739       1711100494 108   SMITH-SLATER NO 2                    MONROE (6824)               6.2 IMC EXPLORATION CO
-ERIN EXPLORATION ASSOC                 RECEIVED:  07/30/80  JA: LA
 8050148   80-2738       1701722867 103   CV RA SUK TEXACO FEE #2              LONGWOOD                   88.0 SOUTHWESTERN ELECTRI
-EXCALIBUR RESOURCES INC                RECEIVED:  07/30/80  JA: LA
 8050140   80-2701       1703121138 103   CONTINENTAL CAN #2                   CHEMARD LAKE              300.0 LOUISIANA INTRASTATE
-EXXON CORPORATION                      RECEIVED:  07/30/80  JA: LA
 8050131   80-2757       1711320863 103   EXXON FEE-PECAN IS NO 60-D           PECAN ISLAND             1500.0 COLUMBIA GAS TRANS C
 8050136   80-2749       1711320950 103   EXXON FEE-PECAN IS NO 77             PECAN ISLAND              475.0 COLUMBIA GAS TRANS C
*8050125   80-2758       1711320821 103   EXXON FEE-PECAN ISLAND NO 65         PECAN ISLAND             5000.0 COLUMBIA GAS TRANS C
 8050099   80-2644       1702321155 103   K B HANSZEN NO 19                    CHALKLEY                  500.0 TEXAS GAS TRANS CORP
 8050177   80-2645       1702321155 103   K B HANSZEN NO 19-D                  CHALKLEY                  300.0 TEXAS GAS TRANSMISSI
 8050095   80-2703       1709920819 103   OPERC 2 RA SU GOODRICH C #14-D       DUCK LAKE                 100.0 UNITED GAS PIPE LINE
 8050096   80-2702       1709920818 103   OPERC 8 RA SU GOODRICH C #14         DUCK LAKE                 100.0 UNITED GAS PIPE LINE
-FRANKS PETROLEUM INC ETAL              RECEIVED:  07/30/80  JA: LA
 8050185   80-2636       1700120755 103   Z H WILD B NO 1                      MIDLAND                   350.0 COLUMBIA GAS TRANSMI
-GETTY OIL COMPANY                      RECEIVED:  07/30/80  JA: LA
*8050088   80-2735       1700120688 103   NB-1 SUB O T COMEAUX NO 2            CHURCH POINT              240.0 MONTEREY PIPELINE CO
*8050069   80-2734       1700120688 103   NS-2 SUB O T COMEAUX NC 2-D          CHURCH POINT               30.0 MONTEREY PIPELINE CO
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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PR CD	PURCHASER
-GLENDA PETROLEUM CORP					RECEIVED: 07/30/80 JA: LA			
8050076	80-2693	1711120509	108		CLARENCE OUCHLEY NO 1 S/N 146750	MONROE	10.0	MID LOUISIANA GAS CO
8050075	80-2694	1711120524	108		CLARENCE OUCHLEY NO 2 S/N 146992	MONROE	13.0	MID LOUISIANA GAS CO
8050183	80-2652	1711120631	108		EXXON 23-A #10 S/N 148413	MONROE	40.0	MID LOUISIANA GAS
8050182	80-2653	1711120632	108		EXXON 23-A #11 S/N 148414	MONROE	40.0	MID LOUISIANA GAS CO
8050181	80-2654	1711120633	108		EXXON 23-A #12 S/N 148415	MONROE	40.0	MID LOUISIANA GAS CO
8050173	80-2649	1711120636	108		EXXON 23-A #6 S/N 148409	MONROE	40.0	MID LOUISIANA GAS CO
8050172	80-2650	1711120629	108		EXXON 23-A #8 S/N 148411	MONROE	40.0	MID LOUISIANA GAS CO
8050184	80-2651	1711120630	108		EXXON 23-A #9 S/N 148412	MONROE	40.0	MID LOUISIANA GAS CO
8050079	80-2690	1711121594	108		EXXON-ARCO 35 #2 S/N 160931	MONROE 6824	48.0	MID LOUISIANA GAS CO
8050161	80-2680	1711121595	108		EXXON-ARCO 35 #3 S/N 160932	MONROE	48.0	MID LOUISIANA GAS CO
8050160	80-2681	1711121596	108		EXXON-ARCO 35 #4 S/N 160933	MONROE	40.0	MID LOUISIANA GAS CO
8050159	80-2682	1711121599	108		EXXON-ARCO 35 #8 S/N 160985	MONROE	40.0	MID LOUISIANA GAS CO
8050158	80-2683	1711121600	108		EXXON-ARCO 35 #9 S/N 160986	MONROE	40.0	MID LOUISIANA GAS CO
8050157	80-2684	1711121615	108		EXXON-ARCO 35 NO 13 S/N 161210	MONROE	40.0	MID LOUISIANA GAS CO
8050080	80-2689	1711120504	108		GEORGE D ROAN NO 1 S/N 146603	MONROE	12.0	MID LOUISIANA GAS CO
8050078	80-2691	1711120511	108		MARTELL OUCHLEY NO 1 S/N 146752	MONROE	12.0	MID LOUISIANA GAS CO
8050077	80-2692	1711120510	108		MARTELL OUCHLEY NO 2 S/N 146751	MONROE	10.0	MID LOUISIANA GAS CO
8050151	80-2687	1706721317	108		WHITAKER A #1 S/N 162026	MONROE	48.0	MID LOUISIANA GAS CO
8050150	80-2688	1707321168	108		WHITAKER A #2 S/N 162027	MONROE	50.0	MID LOUISIANA GAS CO
8050156	80-2685	1706721275	108		WHITAKER NO 10 S/N 161430	MONROE	32.0	MID LOUISIANA GAS CO
8050155	80-2686	1706721278	108		WHITAKER NO 11 S/N 161501	MONROE	42.0	MID LOUISIANA GAS CO
-GODFREY & RILEY					RECEIVED: 07/30/80 JA: LA			
8050132	80-2773	1711121909	108		STELL NO 1	MONROE	12.5	MID LOUISIANA GAS CO
-GREAT SOUTHERN OIL & GAS CO INC					RECEIVED: 07/30/80 JA: LA			
8050102	80-2656	1711320992	103		GERTRUDE B TAYLOR ET AL #1 SD 3	THEALL	36.0	CONOCO INC
-GULF OIL CORPORATION					RECEIVED: 07/30/80 JA: LA			
8050179	80-2673	1708920355	103		DSCI NO 139	BAYOU COUBA	24.0	TRANSCONTINENTAL GAS
-HENRY GOODRICH D/B/A GOODRICH OIL C					RECEIVED: 07/30/80 JA: LA			
8050167	80-2679	1705721651	102		STATE LEASE 7591 NO 1	KINGS RIDGE	365.0	SOUTHERN NATURAL GAS
-HUGGS INCORPORATED					RECEIVED: 07/30/80 JA: LA			
8050171	80-2669	1701320356	103		HOSS B SUOO SOU NAT GAS A #1	WEST BRYCELAND	220.0	LOUISIANA GAS INTRAS
-JORDAN OIL & GAS COMPANY					RECEIVED: 07/30/80 JA: LA			
8050112	80-2637	1710922139	103		CONTINENTAL LAND & FUR NO 1	SOUTH HUMPHREYS	365.0	TRANSCONTINENTAL GAS
-JUSTISS-MEARS OIL CO INC					RECEIVED: 07/30/80 JA: LA			
8050117	80-2766	1708320413	102		CV RA SU PP I RICHLAND PENNZOIL #1	MILLHAVEN	365.0	LOUISIANA INTRASTATE
8050116	80-2767	1708320415	102		CV RA SU QQ H RICHLAND PENNZOIL #1	MILLHAVEN	182.0	LOUISIANA INTRASTATE
8050133	80-2770	1708320409	102		CV RA SUW G RICHLAND-PENNZOIL 1	MILHAVEN	225.0	LOUISIANA INTRASTATE
8050118	80-2765	1707320999	102		HOSS RA SUE FAUTHEREE 1	MILHAVEN.	750.0	LOUISIANA INTRASTATE
8050114	80-2769	1707321094	102		HOSS RA SUI MCLAUGHLIN 1	MILHAVEN	185.0	LOUISIANA INTRASTATE
8050129	80-2771	1707321093	102		HOSS RA SUL NATIONAL GASOLINE 1	MILHAVEN	350.0	
8050115	80-2768	1707320915	102		ROD RA SUB A WILDLIFE 2	MILHAVEN	350.0	LOUISIANA INTRASTATE
8050119	80-2764	1707321162	102		SLI RA SUG FONTANA ET AL 1	MILLHAVEN	0.0	LOUISIANA INTRASTATE
-KABCO PRODUCTION CO					RECEIVED: 07/30/80 JA: LA			
8050163	80-2697	1710700330	108		MASS SU 211 PANOLA NO 1	BUCKHORN	9.7	LOCUST RIDGE GAS CO
-MARATHON OIL COMPANY					RECEIVED: 07/30/80 JA: LA			
8050121	80-2762	1711900553	108		CV D RN SU CVOC HODGES #1	COTTON VALLEY	3.0	UNITED GAS PIPE LINE
8050120	80-2763	1711900992	108		CVSU CVOC GRANT OIL #2	COTTON VALLEY	3.0	UNITED GAS PIPE LINE
-MARION CORPORATION					RECEIVED: 07/30/80 JA: LA			
8050165	80-2678	1709320175	102		10300 RA SUA.DEAS NO 1/CODE #606404	COLLEGE POINT	432.0	UNITED GAS PIPE LINE
-MAY PETROLEUM INC					RECEIVED: 07/30/80 JA: LA			
8050113	80-2668	1703121205	102		ROD RA SUQ INTERNAT PAPER CO #1	BETHANY LONGSTREET	292.0	ARKANSAS LOUISIANA G

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-NORTHEAST RESOURCES INC					RECEIVED: 07/30/80 JA: LA			
8050137	80-2748	1703121145	103		J L HESSER NO 1	J L HESSER NO 1	75.0	TENNESSEE GAS PIPELI
-PENNZOIL PRODUCING COMPANY					RECEIVED: 07/30/80 JA: LA			
8050190	80-2640	1711121546	108		FEE 61 NO 40	MONROE	25.0	UNITED GAS PIPE LINE
8050188	80-2642	1711121547	108		FEE 61 NO 41	MONROE	22.0	UNITED GAS PIPE LINE
8050100	80-2643	1711121579	108		FEE 61 NO 47	MONROE	22.0	UNITED GAS PIPE LINE
8050189	80-2641	1711121589	108		FEE 61 NO 48	MONROE	24.0	UNITED GAS PIPE LINE
8050176	80-2646	1711121581	108		FEE 61 NO 51	MONROE	26.0	UNITED GAS PIPE LINE
-PETE CALDWELL DRLG CO INC					RECEIVED: 07/30/80 JA: LA			
8050169	80-2671	1707321046	108		A C WHITE EST #1 #157327	MONROE	53.7	MID LOUISIANA GAS CO
8050168	80-2672	1707321122	108		A C WHITE EST #3 #161332	MONROE	53.7	MID LOUISIANA GAS CO
8050170	80-2670	1707321123	108		A C WHITE EST #4 #161333	MONROE	10.3	MID LOUISIANA GAS CO
-PETRO-LEWIS CORPORATION					RECEIVED: 07/30/80 JA: LA			
8050186	80-2635	1700120677	103		A C KERR #6	ELLIS	1.5	COLUMBIA GAS TRANSMI
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 07/30/80 JA: LA			
8050133	80-2772	1702720235	108		SMK RA SUD BLANTON B #1	OAKS	0.0	ARKANSAS LOUISIANA G
-PRIMOS PRODUCTION CO					RECEIVED: 07/30/80 JA: LA			
8050101	80-2657	1706721355	103		GEORGIA PACIFIC C #19	MONROE FIELD	49.3	UNITED GAS PIPELINE
-PS&G INC					RECEIVED: 07/30/80 JA: LA			
8050187	80-2718	1711100310	108		C A PARDUE NO 1	MONROE	2.6	TEXAS GAS TRANSMISSI
8050066	80-2719	1711101236	108		E F SMITH NO 2	MONROE	1.4	TEXAS GAS TRANSMISSI
8050091	80-2707	1711100000	108		J T SPENCER #2	MONROE	5.4	TEXAS GAS TRANSMISSI
8050090	80-2708	1711101340	108		J T SPENCER #3	MONROE	2.8	TEXAS GAS TRANSMISSI
8050108	80-2713	1711100320	108		LANKFORD NO 2	MONROE	4.8	TEXAS GAS TRANSMISSI
8050107	80-2714	1711100319	108		LANKFORD NO 4	MONROE	4.5	TEXAS GAS TRANSMISSI
8050106	80-2715	1711100382	108		LANKFORD NO 5	MONROE	3.0	TEXAS GAS TRANSMISSI
8050105	80-2716	1711100317	108		LANKFORD NO 6	MONROE	2.2	TEXAS GAS TRANSMISSI
8050067	80-2720	1711100316	108		LANKFORD NO 7	MONROE	2.8	TEXAS GAS TRANSMISSI
8050110	80-2711	1711101277	108		LIBERTY CHURCH #1	MONROE	4.2	TEXAS GAS TRANSMISSI
8050111	80-2710	1711101339	108		MARY SCHWAB #1	MONROE	4.0	TEXAS GAS TRANSMISSI
8050541	80-2717	1711100999	108		P L EDWARDS #1	MONROE	6.0	TEXAS GAS TRANSMISSI
8050089	80-2709	1711100496	108		S PILGREEN NO 1	MONROE	2.6	TEXAS GAS TRANSMISSI
8050109	80-2712	1711101302	108		W J HOLLIS #2	MONROE	5.8	TEXAS GAS TRANSMISSI
-RALPH L LEADERBRAND					RECEIVED: 07/30/80 JA: LA			
8050124	80-2759	1711901596	108		BANK OF MINDEN 37834	SIBLEY	0.0	UNITED GAS PIPE LINE
8050123	80-2760	1711901378	108		PET SUE CRICHTON B-1 49748	SIBLEY	0.0	UNITED GAS PIPE LINE
-RED ROOSTER GAS CORP					RECEIVED: 07/30/80 JA: LA			
8050074	80-2695	1707320681	108		HSU 783 J B COLLINS NO 1	MONROE	4.2	GAS TRANSPORTATION C
-RELCO EXPLORATION CO INC					RECEIVED: 07/30/80 JA: LA			
8050153	80-2724	1711121126	108		J D MILLER NO 3	MONROE	0.1	MID LOUISIANA GAS CO
8050152	80-2723	1711121117	108		MARY MILLER NO 2	MONROE	2.3	MID LOUISIANA GAS CO
-ROBERSON WELL SERVICE					RECEIVED: 07/30/80 JA: LA			
8050122	80-2761	1711121793	108		FROST LUMBER IND INC #1	MONROE	20.0	PETRO-LEWIS CORP
-ROY M TEEL					RECEIVED: 07/30/80 JA: LA			
8050097	80-2639	1707320030	108		COLE HEIRS #22	MONROE GAS ROCK FIELD	0.0	IMC EXPLORATION CO
-S TEEL					RECEIVED: 07/30/80 JA: LA			
8050175	80-2647	1707321050	108		SHO VAN #1	MONROE	24.6	UNITED GAS PIPE LINE
-SHELL OIL CO					RECEIVED: 07/30/80 JA: LA			
8050146	80-2740	1705320599	103		A O FONTENOT NO 12	IOWA	40.5	UNITED GAS PIPE LINE
-TEXACO INC					RECEIVED: 07/30/80 JA: LA			
8050081	80-2700	1770720077	103		S/L 340 MOUND POINT NO 54	MOUND POINT	7300.0	KAISER ALUMINUM & CH
8050082	80-2699	1770720079	103		S/L 340 MOUND POINT NO 60-D	MOUND POINT	0.0	KAISER ALUMINUM & CH

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JD NO    JA DKT     API NO     SEC D WELL NAME                              FIELD NAME                  PROD  PURCHASER
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-TEXAS GAS EXPLORATION CORP           RECEIVED:  07/30/80  JA: LA
 8050104  80-2722   1701501670 108  USA (PARCEL 3) #26 26-D & 26-T          SLIGO                        0.0 TEXAS GAS TRANSMISSI
-TEXAS OIL & GAS CORP                 RECEIVED:  07/30/80  JA: LA
 8050084  80-2744   1703121180 103  GRIFFITH C #1                           BETHANY-LONGSTREET         600.0 ARKANSAS LOUISIANA G
 8050180  80-2655   1703121154 103  HOSS SU14 HUNT BROS #1                  BETHANY-LONGSTREET        1000.0 ARKANSAS LOUISIANA G
 8050083  80-2745   1704920132 103  MARTIN F #1                             CLAY                       548.0 ARKANSAS LOUISIANA G
-THE DOW CHEMICAL COMPANY             RECEIVED:  07/30/80  JA: LA
 8050068  80-2676   1700720224 102  BROWNELL KIDD NO 1                      BAYOU ST VINCENT          1000.0 DOW CHEMICAL CO
 8050166  80-2677   1700720267 102  KFOURY NO 1                             BAYOU ST VINCENT          1200.0 DOW CHEMICAL CO
-THE LOUISIANA LAND & EXPLORATION CO  RECEIVED:  07/30/80  JA: LA
 8050073  80-2725   1701722494 103  E M GRIFFITY NO 1 - 158438              LONGWOOD                    13.5 SOUTHWESTERN ELECTRI
-THE SUPERIOR OIL COMPANY             RECEIVED:  07/30/80  JA: LA
 8050162  80-2698   1710922148 103  VUA LL&E UNIT 19 NO 7                   FOUR ISLE DOME            1233.0 UNITED GAS PIPE LINE
 8050103  80-2721   1710922031 103  58 RA SUA LL&E U 18 NO 5                FOUR ISLE DOME             975.0 UNITED GAS PIPE LINE
-THOMAS E TURMAN                      RECEIVED:  07/30/80  JA: LA
 8050065  80-2755   1712720662 103  THOMAS E TURMAN - WHITAKER #2           EAST SIKES FIELD            18.3 UNITED GAS PIPELINE
-TOCE OIL COMPANY INC                 RECEIVED:  07/30/80  JA: LA
 8050135  80-2750   1701920849 103  JOHN W MAYER NO 1                       GILLIS-ENGLISH BAYOU       730.0 CONOCO INC
-TRANSCO EXPLORATION COMPANY          RECEIVED:  07/30/80  JA: LA
 8050128  80-2675   1709320129 102  G L GAUDET #3                           NORTH HESTER FIELD        1080.0 TRANSCONTINENTAL GAS
-UNION OIL COMPANY OF CALIF           RECEIVED:  07/30/80  JA: LA
 8050087  80-2736   1772620158 103  STATE LEASE 3770 NO 7                   BRETON SOUND BLOCK 53      180.0 TEXAS EASTERN TRANSM
 8050149  80-2737   1772620163 103  STATE LEASE 3770 NO 8                   BRETON SOUND BLOCK 53      180.0 TEXAS EASTERN TRANSM
-VERNON E FAULCONER                   RECEIVED:  07/30/80  JA: LA
 8050142  80-2732   1703100655 108  CRANE SU 34 BAYLOR UNIV SER 059973      BETHANEY-LONGSTREET          3.0 UNITED GAS PIPELINE
 8050143  80-2731   1703100556 108  CRANE SU 35 F CARROLL #1 SER 061626     BETHANEY-LONGSTREET          5.0 UNITED GAS PIPELINE
 8050144  80-2730   1703100542 108  CRANE SU 36 JOHNSON A SER 055694        BETHANEY-LONGSTREET          3.0 UNITED GAS PIPELINE
 8050070  80-2728   1703100531 108  CRANE SU 37 SE JOHNSON D#1              BETHANEY-LONGSTREET          2.0 UNITED GAS PIPELINE
 8050154  80-2729   1703100543 108  CRANE SU 38 TALBERT B SER 056650        BETHANEY-LONGSTREET          6.0 UNITED GAS PIPELINE
 8050141  80-2733   1703100540 108  CRANE SU 40 JOHNSON E SER 077601        BETHANEY-LONGSTREET          2.0 UNITED GAS PIPELINE
-WAYNE PENDER                         RECEIVED:  07/30/80  JA: LA
 8050164  80-2696   1707321392 103  JH THATCHER #1 #168206                  MONROE GAS                   3.6 IMC EXPLORATION CO
*************************************************************************
  MONTANA BOARD OF OIL & GAS CONSERVATION
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-BROWNLIE WALLACE ARMSTRONG & BANDER  RECEIVED:  07/30/80  JA: MT
 8050545  6-80-137  2508321252 102  STATE #36-14                            UNNAMED (ASBECK AREA)        7.5 MONTANA DAKOTA UTILI
-PATRICK PETROLEUM CO                 RECEIVED:  07/30/80  JA: MT
 8050547  6-80-135  2509121122 102  STATE #1-R                              CLEAR LAKE                  15.0 TRUE OIL COMPANY
 8050546  6-80-136  2509121201 102  STATE #2                                CLEAR LAKE                  30.0 TRUE OIL COMPANY
-SUN OIL COMPANY (DELAWARE)           RECEIVED:  07/30/80  JA: MT
 8050544  6-80-139  2508321303 102  ALBIN NO 1                              NW BRORSON AREA             69.0 CRYSTAL OIL COMPANY
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  NORTH DAKOTA GEOLOGICAL SURVEY
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-SHELL OIL CO                         RECEIVED:  07/30/80  JA: ND
 8050543  261-NGPA  3305300906 102  STATE 14-36                             MONDAK                      27.5 MONTANA DAKOTA UTILI
-WILLIAM HERBERT HUNT TRUST ESTATE    RECEIVED:  07/30/80  JA: ND
*8050542  260-NGPA  3300700442 102  FRITZ #2                                TREETOP                    180.0 KOCH HYDROCARBON COM

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  TEXAS RAILROAD COMMISSION
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-ALAMO PETROLEUM COMPANY              RECEIVED:  07/30/80  JA: TX
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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
*8050346	10959	4216730683	102		FIRTH UNIT NO 1 #1 RRC NO 81261	SARAH WHITE (FRIO 11700)	803.0	TRUNKLINE GAS CO
-AMARILLO OIL COMPANY					RECEIVED: 07/30/80 JA: TX			
8050194	01260	4239330243	103		CHAMBERS 1-118 RRC ID 73932	PARSELL SOUTH (MORROW LO	300.0	PIONEER NATURAL GAS
-AMERICAN PETROFINA COMPANY OF TEXAS					RECEIVED: 07/30/80 JA: TX			
8050241	07716	4235530000	108		M ELLIFF - #18U	AGUA DULCE (5600)	6.0	TENNESSEE GAS PIPELI
-AMOCO PRODUCTION CO					RECEIVED: 07/30/80 JA: TX			
8050479	14270	4236530659	103		BURNETT BROTHERS NO 10	CARTHAGE (COTTON VALLEY)	436.0	UNITED GAS PIPELINE
8050318	09065	4220330505	102		JOHN HARRISON B 1-U	WOODLAWN NE (RODESSA)	733.0	EAST TEXAS INDUSTRIA
8050490	14700	4229530000	108		WILSON UNIT B #1	MAMMOTH CREEK	17.3	NORTHERN NATURAL GAS
-APACHE CORPORATION					RECEIVED: 07/30/80 JA: TX			
8050231	06899	4221130892	102		ALEXANDER #1-7	WEST WASHITA CREEK (UPPE	657.0	NATURAL GAS PIPELINE
8050231	06989	4221130892	103		ALEXANDER #1-7	WEST WASHITA CREEK (UPPE	657.0	NATURAL GAS PIPELINE
-ARCO OIL AND GAS COMPANY					RECEIVED: 07/30/80 JA: TX			
8050221	06314	4238930909	103		FIDELITY TRUST LEASE NO 7	WAHA (DELAWARE)	30.0	TRANSWESTERN PIPELIN
8050297	06250	4213533049	103		GOLDSMITH-CUMMINS S A UNIT #220	GOLDSMITH	21.0	PHILLIPS PETROLEUM C
8050226	06421	4236530254	103		O B HICKS #3	CARTHAGE (COTTON VALLEY)	36.5	SOUTHERN NATURAL GAS
8050340	10290	4219931280	103		SILSBEE GAS UNIT #23-L	SILSBEE (Y-1)	18.2	TEXAS EASTERN TRANSM
8050341	10291	4219931280	103		SILSBEE GAS UNIT #23-U	SILSBEE (W-3 YEGUA)	73.0	TEXAS EASTERN TRANSM
*8050227	06424	4250131238	103		WEST BRAHANEY UNIT #87-A	BRAHANEY	9.8	SHELL OIL CO
8050301	06386	4250131240	103		WEST BRAHANEY UNIT NO 55-A	BRAHANEY	2.5	SHELL OIL CO
*8050305	06422	4250131304	103		WEST BRAHANEY UNIT NO 56-A	BRAHANEY	6.6	SHELL OIL CO
*8050224	06387	4250131239	103		WEST BRAHANEY UNIT NO 64-A	BRAHANEY	1.8	SHELL OIL CO
*8050306	06423	4250131302	103		WEST BRAHANEY UNIT NO 65-A	BRAHANEY	7.3	SHELL OIL CO
*8050304	06420	4250131303	103		WEST BRAHANEY UNIT NO 66-A	BRAHANEY	9.5	SHELL OIL CO
8050302	06398	4250131512	103		WILLARD UNIT NO 140-C	WASSON	15.0	SHELL OIL CO
8050300	06385	4250131586	103		WILLARD UNIT NO 37-B	WASSON	7.0	SHELL OIL CO
-ATAPCO					RECEIVED: 07/30/80 JA: TX			
8050361	12127	4249700000	108		H S FOREMAN #1 (21165)	ALVORD ATOKA CONGLOMERAT	1.8	CITIES SERVICE COMPA
8050362	12128	4249700000	108		R E MCCLUNG #1 (21157)	ALVORD CADDO CONGLOMERAT	1.6	CITIES SERVICE COMPA
-BASS ENTERPRISES PRODUCTION CO					RECEIVED: 07/30/80 JA: TX			
*8050217	05798	4234730000	102		GARRISON GAS UNIT #1 WELL #1	GARRISON	178.0	UNITED GAS PIPE LINE
*8050216	05765	4240130279	102		GARRISON GAS UNIT #2 WELL #1	GARRISON	31.0	UNITED GAS PIPE LINE
8050211	05750	4234730121	102		GARRISON GAS UNIT #3 WELL #1	GARRISON	191.0	UNITED GAS PIPE LINE
*8050218	05809	4234730123	102		GARRISON GAS UNIT #4 WELL #1	GARRISON N	23.0	UNITED GAS PIPE LINE
8050205	05580	4234730125	102		GARRISON GAS UNIT #5 WELL #1	GARRISON	271.0	UNITED GAS PIPE LINE
8050205	05580	4234730125	103		GARRISON GAS UNIT #5 WELL #1	GARRISON	271.0	UNITED GAS PIPE LINE
*8050215	05749	4234730410	102		GARRISON GAS UNIT #7 WELL #1	GARRISON	0.0	UNITED GAS PIPE LINE
*8050215	05749	4234730410	103		GARRISON GAS UNIT #7 WELL #1	GARRISON	0.0	UNITED GAS PIPE LINE
8050294	05764	4228521251	102		JOHN LELL #1	WORD N	32.0	LOVACA GATHERING CO
8050294	05764	4228521251	103		JOHN LELL #1	WORD N	32.0	LOVACA GATHERING CO
8050293	05747	4210130082	102		V PARNELL #1	STESCOTT	0.0	PALO DURO PIPELINE C
-BILL J GRAHAM					RECEIVED: 07/30/80 JA: TX			
8050307	06513	4241300000	108		PEARL WILLIAMS - (06599)	P W (CANYON)	12.0	CRA INC
-C F BRAUN & CO					RECEIVED: 07/30/80 JA: TX			
8050207	05534	4248131516	103		KOCIAN UNIT NO 1	SPANISH CAMP STEPHEN F A	100.0	DELHI GAS PIPELINE C
8050206	05550	4248131575	103		PILCIK UNIT NO 2	SPANISH CAMP STEPHEN F A	100.0	DELHI GAS PIPELINE C
-CADDO CORP					RECEIVED: 07/30/80 JA: TX			
8050248	09014	4215100000	103		HAWKINS NO 2	SYLVESTER (STRAWN)	36.5	PALO DURO PIPELINE C
-CHEVRON U S A INC					RECEIVED: 07/30/80 JA: TX			
8050292	05677	4247931804	103		BRUNI MINERAL TRUST #18	LAREDO (LOBO)	1452.0	LOVACA GATHERING CO
*8050223	06358	4238930930	102		HILL & HILL 1-34	MARSH S	638.8	LOVACA GATHERING CO
8050288	05525	4238930989	102		L M MEEKER 1-38	MARSH S	96.0	LOVACA GATHERING CO
*8050212	05662	4238930871	102		REEVES - STATE 1-35	MARSH S	470.1	LOVACA GATHERING CO

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 JD NO     JA DKT        API NO     SEC D WELL NAME                     FIELD NAME                 PROD  PURCHASER
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 8050291    05652        4238930875 102   REEVES-STATE #2               MARSH S (DELAWARE)           80.3 LOVACA GATHERING CC
*8050228    06430        4238930873 102   REEVES-STATE 1-23             MARSH S                     160.6 LOVACA GATHERING CC
*8050229    06431        4238930372 102   REEVES-STATE 1-26             MARSH S                      59.1 LO VACA GATHERING CU
 8050303    06411        4241530795 103   SACROC UNIT 37-7              KELLY-SNYDER                300.0 EL PASO NATURAL GAS
 8050298    06349        4233531343 103   W L FOSTER 5 #10              IATAN EAST (HOWARD)           1.7 GETTY OIL CO
-CONOCO INC                             RECEIVED:  07/30/80  JA: TX
 8050393    12797        4212730496 108   F J WEBB ET UX NO 3 (04395)   PENA CREEK (SAN MIGUEL 3      1.3 LOVACA GATHERING COM
 8050394    12798        4212730526 108   F J WEBB ET UX NO 5 (04395)   PENA CREEK (SAN MIGUEL 3      1.3 LOVACA GATHERING COM

 8050295    05882        4222731164 103   G D CHALK A (18987) #11       HOWARD-GLASSCOCK/GLORIET      0.7 PHILLIPS PETROLEUM C
 8050376    12720        4212730874 108   G W VIVIAN NO 6 (04464)       PENA CREEK (SAN MIGUEL 3      1.3 LOVACA GATHERING COM
 8050377    12721        4212730873 108   G W VIVIAN NO 7 (04464)       PENA CREEK (SAN MIGUEL 3      1.7 LOVACA GATHERING COM
 8050395    12800        4212730452 108   H W LE BLANC NO 1 (04370)     PENA CREEK (SAN MIGUEL 3      1.1 LOVACA GATHERING COM
 8050398    12803        4212730685 108   H W LE BLANC NO 12 (04370)    PENA CREEK (SAN MIGUEL 3      1.2 LCVACA GATHERING COM
 8050391    12795        4212730729 108   H W LE BLANC NO 14 (04370)    PENA CREEK (SAN MIGUEL 3      0.7 LOVACA GATHERING COM
 8050397    12802        4213730670 108   H W LE BLANC NO 7 (04370)     PENA CREEK (SAN MIGUEL 3      0.8 LOVACA GATHERING COM
 8050396    12801        4212730473 108   HW LE BLANC NO 2 (04370)      PENA CREEK (SAN MIGUEL 3      1.3 LOVACA GATHERING COM
 8050392    12796        4212730480 108   J A WEBB NO 1 (04394)         PENA CREEK (SAN MIGUEL 3      7.8 LOVACA GATHERING COM
 8050219    05865        4237132375 103   J C TREES EST 19 (78441) #1   WAHA/MISSISSIPPI AN/        197.1 DELHI GAS PIPELINE C
 8050381    12726        4212730700 108   J S MYERS ET AL NO 20 (04400) PENA CREEK (SAN MIGUEL 3      2.4 LOVACA GATHERING COM
 8050382    12727        4212730702 108   J S MYERS ET AL NO 21 (04400) PENA CREEK (SAN MIGUEL 3      2.5 LOVACA GATHERING COM
 8050383    12728        4212730716 108   J S MYERS ET AL NO 25 (04400) PENA CREEK (SAN MIGUEL 3      1.8 LOVACA GATHERING COM
 8050384    12729        4212730733 108   J S MYERS FT AL NO 26 (04400) PENA CREEK (SAN MIGUEL 3      2.7 LOVACA GATHERING COM
 8050385    12730        4212730742 108   J S MYERS ET AL NO 27 (04400) PENA CREEK (SAN MIGUEL 3      1.3 LOVACA GATHERING COM
 8050386    12731        4212730759 108   J S MYERS FT AL NO 29 (04400) PENA CREEK (SAN MIGUEL 3      2.6 LOVACA GATHERING COM
 8050387    12732        4212730803 108   J S MYERS ET AL NO 38 (04400) PENA CREEK (SAN MIGUEL 3      1.2 LOVACA GATHERING COM
 8050388    12733        4212730836 108   J S MYERS FT AL NO 44 (04400) PENA CREEK (SAN MIGUEL 3      1.2 LOVACA GATHERING COM
 8050389    12734        4212730849 108   J S MYERS ET AL NO 47 (04400) PENA CREEK (SAN MIGUEL 3      1.4 LOVACA GATHERING COM
 8050390    12735        4212730850 108   J S MYERS ET AL NO 48 (04400) PENA CREEK (SAN MIGUEL 3      1.4 LOVACA GATHERING COM
 8050460    13372        4212730871 108   J S MYERS ET AL NO 52 (04400) PENA CREEK (SAN MIGUEL 3      4.0 LOVACA GATHERING COM
 8050374    12718        4212730698 108   J V LA MANTIA JR NC 3 (04466) PENA CREEK (SAN MIGUEL 3      0.5 LOVACA GATHERING COM
 8050373    12717        4212730440 108   LAKE T WEBB NO 1 (04407)      PENA CREEK (SAN MIGUEL 3      1.8 LOVACA GATHERING COM
 8050379    12723        4212730799 108   LAKE T WEBB NO 11 (04407)     PENA CREEK (SAN MIGUEL 3      1.0 LOVACA GATHERING COM
 8050380    12724        4221730889 108   LAKE T WEBB NO 12 (04407)     PENA CREEK (SAN MIGUEL 3      3.0 LOVACA GATHERING COM
 8050375    12719        4212730633 108   LAKE T WEBB NO 5 (04407)      PENA CREEK (SAN MIGUEL 3      7.6 LOVACA GATHERING COM
 8050378    12722        4212730755 108   LAKE T WEBB NO 9 (04407)      PENA CREEK (SAN MIGUEL 3      2.2 LOVACA GATHERING COM
 8050399    12824        4232330324 108   N J CHITTIM NO 3515 (02082)   SACATOSA (SAN MIGUEL #1       0.4 LOVACA GATHERING COM
-CORPUS CHRISTI LEASEHOLDS INC          RECEIVED:  07/30/80  JA: TX
 8050493    14872        4200730613 102   STATE TRACT 78 NO 1           GOOSE ISLAND SOUTH (I-7       0.0 CENTRAL POWER AND LI
-D B BAXTER                             RECEIVED:  07/30/80  JA: TX
 8050243    08149        4237130998 108   YEAGER #1 ID #59713           PECOS VALLEY (DETRITAL)      22.0 DELHI GAS PIPELINE C
-DANDEN PETROLEUM INC                   RECEIVED:  07/30/80  JA: TX
 8050213    05626        4219500000 108   GRUVER #1 TX RR COM #62743    TEXAS HUGOTON                22.8 NORTHERN NATURAL GAS
 8050290    05630        4219500000 108   GRUVER #2 TX RR COM #62744    TEXAS HUGOTON                 8.8 NORTHERN NATURAL GAS
-DELTA DRILLING CO                      RECEIVED:  07/30/80  JA: TX
 8050242    07763        4236500000 102   C WILLIAMSON #1 ID #80258     CARTHAGE (COTTON VALLEY)    180.0 TEXAS GAS TRANSMISSI
 8050242    07763        4236500000 103   C WILLIAMSON #1 ID #80258     CARTHAGE (COTTON VALLEY)    180.0 TEXAS GAS TRANSMISSI
 8050314    07761        4220300000 102   L L BERGIN #1 (79929)         WILDCAT                      85.0 TENNESSEE GAS PIPELI
 8050314    07761        4220300000 103   L L BERGIN #1 (79929)         WILDCAT                      85.0 TENNESSEE GAS PIPELI
 8050313    07757        4236500000 102   ROSA JONES #1 (81009)         WILDCAT (COTTON VALLEY)     180.0 TEXAS GAS TRANSMISSI
 8050313    07757        4236500000 103   ROSA JONES #1 (81009)         WILDCAT (COTTON VALLEY)     180.0 TEXAS GAS TRANSMISSI
 8050317    07762        4236500000 102   ROSA JONES A #1 (78745)       CARTHAGE (COTTON VALLEY)     97.0 UNITED GAS PIPE LINE
 8050317    07762        4236500000 103   ROSA JONES A #1 (78745)       CARTHAGE (COTTON VALLEY)     97.0 UNITED GAS PIPE LINE
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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-DIAMOND SHAMROCK CORPORATION					RECEIVED: 07/30/80 JA: TX			
8050286	05507	4235700000	108		ALEC K WILSON A NO 1	ELLIS RANCH	8.0	SOUTHWESTERN PUBLIC
8050283	05310	4221100000	108		BILLY JARVIS ET AL B NC 1-216	CANADIAN SE	8.0	SOUTHWESTERN PUBLIC
8050284	05434	4221100000	108		J B LINDLEY NO 1	CANADIAN SE	8.0	SOUTHWESTERN PUBLIC
8050474	14083	4221131087	103		JOHN C ISAACS JR ET AL J #8	CANADIAN SE	150.0	NORTHERN NATURAL GAS
8050285	05506	4235700000	108		JULIUS SELL NO 1	ELLIS RANCH	8.0	SOUTHWESTERN PUBLIC
8050462	13430	4234100000	103		MCDADE NO 4	PANHANDLE WEST	100.0	NORTHERN NATURAL GAS
8050287	05511	4235700000	108		VIOLA M STALLINGS NO 1	BRADFORD	8.0	SOUTHWESTERN PUBLIC
-EXXON CORPORATION					RECEIVED: 07/30/80 JA: TX			
8050338	09714	4200331620	103		MEANS QUEEN #1 OIL UNIT #2111	MEANS (QUEEN SAND)	5.0	PHILLIPS PETROLEUM C
8050503	14988	4224730849	102		MRS A M K BASS 36-D (09321)	KELSEY DEEP (6980)	50.0	TRUNKLINE GAS COMPAN
8050364	12232	4242700000	108		N R MONTALVO #43C (03065)	SUN D-1	6.9	TENNESSEE GAS PIPELI
-FRANK J HALL					RECEIVED: 07/30/80 JA: TX			
8050256	09695	4220300000	108		HALL-GAINES NO 1	WASKOM FIELD	5.0	UNITED GAS PIPE LINE
-FREMONT ENERGY CORP					RECEIVED: 07/30/80 JA: TX			
8050208	04774	4247900000	108		ROSA DE BENAVIDES #3 55653	LA CRUZ (OLMOS)	13.6	LONE STAR GAS CO
-G C HERRMANN CO					RECEIVED: 07/30/80 JA: TX			
8050344	10527	4217900000	108		MCKINNEY #7	PANHANDLE	3.3	GETTY OIL CO
8050263	10525	4217900000	108		MCKINNEY WELL #5	PANHANDLE	0.7	GETTY OIL CO
8050264	10526	4217900000	108		MCKINNEY WELL #6	PANHANDLE	0.7	GETTY OIL CO
-GALAXY OIL COMPANY					RECEIVED: 07/30/80 JA: TX			
8050454	13292	4235531253	103		STATE TRACT 225 #1	ESTES COVE	300.0	LOVACA GAS GATHERING
-GAS PRODUCING ENTERPRISES INC					RECEIVED: 07/30/80 JA: TX			
8050204	02260	4237530590	103		BIVINS 17-14 RO	WEST PANHANDLE RED CAVE	3.0	COLORADO INTERSTATE
8050371	12566	4237530656	103		MASTERSON 83-1 RO	WEST PANHANDLE (RED CAVE	9.0	COLORADO INTERSTATE
-GAS WEST					RECEIVED: 07/30/80 JA: TX			
8050352	11649	4220500000	103		BRYAN #1	WEST PANHANDLE	0.0	PHILLIPS PETROLEUM C
-GETTY OIL COMPANY					RECEIVED: 07/30/80 JA: TX			
8050365	12242	4208930948	102		L H WRIGHT NO 1	WILDCAT	18.0	TENNESSEE GAS PIPELI
-GILLRING OIL CO					RECEIVED: 07/30/80 JA: TX			
8050209	04669	4235530873	103		C P TALBERT 12 (72216)	AGUA DULCE /8570/	365.0	TENNESSEE GAS PIPELI
-GULF ENERGY PRODUCING COMPANY					RECEIVED: 07/30/80 JA: TX			
8050266	02081	4236332006	103		HART RANCH #876-1	PALO PINTO COUNTY REGULA	0.0	
-GULF OIL CORPORATION					RECEIVED: 07/30/80 JA: TX			
8050463	13488	4221131046	103		ISAACS NO 2-212	CANADIAN SW - GRANITE WA	286.0	PIONEER NATURAL GAS
-H V RISIEN					RECEIVED: 07/30/80 JA: TX			
8050237	07424	4220130902	108		C G HOOKS ET AL NO 16	HOOKS (SHALLOW)	4.0	TRUNKLINE GAS CO
8050312	07223	4224930781	102		VALADEZ A #1	MAGNOLIA CITY	60.0	TENNESSEE GAS TRANSM
8050236	07227	4224900000	103		VALADEZ ESTATE #5	MAGNOLIA CITY	250.0	TENNESSEE GAS TRANSM
8050311	07221	4224930907	102		VALADEZ ESTATE #9	MAGNOLIA CITY	175.0	TENNESSEE GAS TRANSM
-HENRY PETROLEUM CORP					RECEIVED: 07/30/80 JA: TX			
8050331	09069	4231700000	103		HOLT #5	LACAFF (DEAN)	5.0	PHILLIPS PETROLEUM C
-HOLLY ENERGY INC					RECEIVED: 07/30/80 JA: TX			
8050363	12222	4223900000	103		MCDOWELL #2	WESTHOFF RANCH (4940)	140.0	UNITED GAS PIPE LINE
-HYDROC OIL CO					RECEIVED: 07/30/80 JA: TX			
8050345	10961	4206500000	108		MCCRAY #8	WEST PANHANDLE	2.9	DIAMOND SHAMROCK COR
-J A D OIL & GAS					RECEIVED: 07/30/80 JA: TX			
8050265	01063	4206500000	108		MCCONNELL RRC#02982	PANHANDLE	16.0	GETTY OIL CO
-J BROCK					RECEIVED: 07/30/80 JA: TX			
8050310	06905	4200300000	108		P B COWDEN #1-2	GOLDSMITH 5600	6.0	PHILLIPS PETROLEUM C
-J M HUBER CORPORATION					RECEIVED: 07/30/80 JA: TX			
8050464	13489	4223330647	103		ARCO READ NO 1	PANHANDLE	51.0	COLORADO INTERSTATE

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8050489	14657	4223330665	103		CHRISTIAN-SHAFFER NO 4	PANHANDLE	54.0	COLORADO INTERSTATE
8050191	02167	4235730789	103		CONLEY B NO 3	FARNSWORTH SE (MORROW UP	70.0	NORTHERN NATURAL GAS
8050509	13642	4223330617	103		INGERTON NO 4	PANHANDLE	45.0	COLORADO INTERSTATE
8050366	12287	4223330622	103		READ NO 13	PANHANDLE	11.0	COLORADO INTERSTATE
8050282	05103	4223300000	108		SANFORD C NO 1	PANHANDLE WEST	6.7	COLORADO INTERSTATE
8050465	13491	4223330660	103		SOUTH HERRING #145	PANHANDLE	51.0	COLORADO INTERSTATE
8050508	13543	4223330657	103		SOUTH HERRING NO 143	PANHANDLE	51.0	COLORADO INTERSTATE
8050476	14090	4223330658	103		SOUTH HERRING NO 144	PANHANDLE	36.0	COLORADO INTERSTATE
8050475	14089	4223330656	103		SOUTH HERRING NO 147	PANHANDLE	24.0	COLORADO INTERSTATE
-JERRY E WYLIE OIL DRILLING COMPANY					RECEIVED: 07/30/80 JA: TX			
8050494	14919	4209310539	103		ARNOLD BUTLER NO 1 (15208)	DUSTER NE (MARBLE FALLS	68.0	LONE STAR GAS COMPAN
8050495	14920	4209330557	103		ARNOLD BUTLER NO 2 (15203)	DUSTER NE (MARBLE FALLS	18.0	LONE STAR GAS COMPAN
8050496	14922	4209330576	103		BROWNING NO 1 (14838)	DUSTER NE (MARBLE FALLS	40.0	LONE STAR GAS CO
8050497	14923	4209330556	103		BUTLER A NO 1 (15209)	DUSTER NE (MARBLE FALLS	19.0	LONE STAR GAS COMPAN
8050498	14924	4209330574	103		BUTLER D NO 1 (15210)	DUSTER NE (MARBLE FALLS	42.0	LONE STAR GAS COMPAN
-JOHN L COX					RECEIVED: 07/30/80 JA: TX			
8050246	08933	4246131351	103		AMACKER NO 1 RRC #07656	SPRABERRY (TREND AREA)	5.0	PHILLIPS PETROLEUM C
8050482	14594	4246131411	103		ANDOVER B NO 1 (07889)	SPRABERRY (TREND AREA)	12.0	PHILLIPS PETROLEUM C
8050327	08954	4232930798	103		BRAUN B NO 2 RRC #24949	PARKS (SPRABERRY)	8.0	MOBIL OIL CORP
8050328	08955	4232930801	103		BRAUN B NO 3 RRC #24949	PARKS (SPRABERRY)	9.0	MOBIL OIL CORP
8050329	08956	4232930790	103		BRAUN C NO 1 RRC #24077	PARKS (SPRABERRY)	5.0	MOBIL OIL CORP
8050483	14597	4246131412	103		CHURCH B NO 1 (07868)	SPRABERRY (TREND AREA)	12.0	PHILLIPS PETROLEUM C
8050484	14599	4246131403	103		CONNOR NO 1 (07823)	SPRABERRY (TREND AREA)	10.0	PHILLIPS PETROLEUM C
8050485	14601	4246131406	103		COWDEN B NO 1 (07870)	OLD UPLAND (BEND)	12.0	PHILLIPS PETROLEUM C
8050322	08926	4246131378	103		FELMONT-MORGAN #1 RRC #07731	SPRABERRY (TREND AREA)	10.0	PHILLIPS PETROLEUM C
8050325	08949	4246131346	103		HALFF ESTATE D #1 RRC #07655	OLD UPLAND (BEND)	50.0	PHILLIPS PETROLEUM C
8050486	14615	4246131396	103		JAX NO 1 (07757)	OLD UPLAND (BEND)	12.0	PHILLIPS PETROLEUM C
8050487	14617	4246131399	103		JUNE NO 1 (07758)	OLD UPLAND (BEND)	12.0	PHILLIPS PETROLEUM C
8050326	08950	4246131383	103		LAURA NO 1 RRC #07738	OLD UPLAND (BEND)	25.0	PHILLIPS PETROLEUM C
8050324	08947	4246131339	103		MCDANIEL B NO 1 (RRC #07633)	SPRABERRY (TREND AREA)	20.0	PHILLIPS PETROLEUM C
8050321	08924	4246131347	103		MORGAN NO 4 #07412	SPRABERRY (TREND AREA)	16.0	PHILLIPS PETROLEUM C
8050488	14622	4246131424	103		NEAL ESTATE 14 NO 1 (07880)	BENEDUM (FUSSELMAN)	20.0	EL PASO NATURAL GAS
8050323	08935	4200331146	103		PHILLIPS-UNIVERSITY #3 RRC #24233	MARTIN (TUBB)	9.0	PHILLIPS PETROLEUM C
8050247	08980	4246130656	103		WOODFIN #1 RRC #07253	SPRABERRY (TREND AREA)	12.0	PHILLIPS PETROLEUM C
8050330	08986	4217330937	103		WRAGE-HENDRICKSON B NO 4 RRC #23719	SPRABERRY (TREND AREA)	10.0	EL PASO NATURAL GAS
-JOSEPH G GIBSON					RECEIVED: 07/30/80 JA: TX			
8050308	06862	4204730602	103		MCGILL BROS NCT-1 NO 73-L	KELSEY DEEP	1058.0	NATURAL GAS PIPELINE
-KILROY CO OF TX INC					RECEIVED: 07/30/80 JA: TX			
8050245	08554	4231130994	102		HAYS & EZZELL NO 2-C	SAN CAJA (BLOCK 85 SD)	90.0	NATURAL GAS PIPELINE
-LULA BELLE ADAMS					RECEIVED: 07/30/80 JA: TX			
8050316	07941	4223300000	108		WHITTENBURG (00702) NO 4	PANHANDLE HUTCHINSON	11.0	PHILLIPS PETROLEUM C
8050315	07942	4223300000	108		WHITTENBURG (00702) NO 5	PANHANDLE HUTCHINSON	6.3	PHILLIPS PETROLEUM C
-M & G OIL COMPANY					RECEIVED: 07/30/80 JA: TX			
8050349	11135	4210500000	108		LYNCH #1-45	TIPPETT EAST (SEVEN RIVE	0.0	W WILSON CORP
-MACDONALD EXPLORATIONS INC					RECEIVED: 07/30/80 JA: TX			
8050348	11133	4239330621	102		J F RASOR #1	RASOR (MORROW LOWER)	125.0	TRANSWESTERN PIPELIN
-MAY PETROLEUM INC					RECEIVED: 07/30/80 JA: TX			
8050492	14840	4229530593	103		APPEL 1-T (82991)	FOLLETT (MORROW)	180.0	NORTHERN NATURAL GAS
-MAYNARD OIL COMPANY					RECEIVED: 07/30/80 JA: TX			
8050253	09167	4202500000	103		S J HUFF	NORBEE (HOCKLEY 3700)	182.5	UNITED GAS PIPELINE
-MCMORAN - TRANSCO EXPLORATION CO					RECEIVED: 07/30/80 JA: TX			
8050459	13310	4221530902	102		WIESEHAN NO 1	SOUTH MCALLEN (HANSEN C)	900.0	TRANSCONTINENTAL GAS

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-MEEKER & CO					RECEIVED: 07/30/80 JA: TX			
8050195	00600	4236700000	108		PEARSON 1T (58354)	MEEKER	4.2	SOUTHWESTERN GAS PIP
-MIAMI OIL PRODUCERS INC					RECEIVED: 07/30/80 JA: TX			
8050278	04645	4250500000	102		ALDA SCHROEDER NO 1-A	ALWORTH (QUEEN CITY)	250.0	TEJAS GAS CORP
8050279	04694	4250500000	102		WELCH FOUNDATION 2-292	ALWORTH (QUEEN CITY)	250.0	TEJAS GAS CORP
-MITCHELL ENERGY CORPORATION					RECEIVED: 07/30/80 JA: TX			
8050275	04223	4249700000	108		A L CHAMPION #1 28594	BOONSVILLE BEND CONG	10.2	NATURAL GAS PIPELINE
8050480	14297	4249731340	103		ASCCU #8-2 (15095)	ALVORD SOUTH (CADDO CONG	31.0	
8050481	14355	4249731339	103		ASCCU #8-3 (15095)	ALVORD SOUTH (CADDO CONG	40.0	NATURAL GAS PIPELINE
8050274	04173	4249700000	108		G C RUSEY #1 28585	BOONSVILLE BEND CONG	20.8	NATURAL GAS PIPELINE
8050511	13798	4236731577	102		J G PIEPELMAN #2C	LAKE MINERAL WELLS (4000	250.0	NATURAL GAS PIPELINE
8050280	04973	4249700000	108		J W MORRIS #1 09525	CHICO WEST (5700 CONGL)	7.4	NATURAL GAS PIPELINE
8050273	04186	4249700000	108		J W THOMAS #1 28838	BOONSVILLE BEND CONG	7.1	NATURAL GAS PIPELINE
8050210	04055	4249700000	108		M H PEEK #1 28773	BOONSVILLE BEND CONG	13.2	NATURAL GAS PIPELINE
8050271	04041	4236700000	108		MASSEY-BOYD #1 44004	BOONSVILLE BEND CONG	3.4	NATURAL GAS PIPELINE
8050272	04045	4249700000	108		R M BOYER GAS UNIT #1 28573	BOONSVILLE BEND CONG	21.1	NATURAL GAS PIPELINE
8050277	04349	4249700000	108		ROHRER-COFFMAN GAS UNIT #1 #28798	BOONSVILLE (BEND CONGL G	11.5	NATURAL GAS PIPELINE
8050254	09188	4249730544	108		ROY ROBINSON #6 10009	ALVORD (ATOKA CONGLOMERA	1.0	NATURAL GAS PIPELINE
8050276	04233	4249700000	108		W L MACKEY #1 34120	BOONSVILLE BEND CONG	1.8	NATURAL GAS PIPELINE
8050197	02289	4249730550	103		ZINA FOX #3 71888	BOONSVILLE (BEND CONGL)	42.2	NATURAL GAS PIPELINE
-MOBIL OIL CORP					RECEIVED: 07/30/80 JA: TX			
8050440	13217	4235531270	102		CHARLES B WEIL NO 1 (79442)	CORPUS CHRISTI (9650)	54.8	
8050255	09551	4221100000	108		COTIER-PORTER #1L	FELDMAN	1.7	TRANSWESTERN PIPELIN
8050337	09550	4221100000	108		COTTER-PORTER #3	FELDMAN	0.9	TRANSWESTERN PIPELIN
8050359	11938	4240930659	103		FRED B JONES ET AL UNIT #2 (74229)	WHITE POINT EAST (COPELA	850.0	TENNGASCO GAS GATHER
8050358	11937	4240931255	103		MAYO-OWENS GAS UNIT #2 (80028)	WHITE POINT EAST (FRENCH	900.0	TENNGASCO GAS GATHER
-MONSANTO COMPANY					RECEIVED: 07/30/80 JA: TX			
8050192	02234	4239300000	108		KILLEBREW #1 RRC #22274	KILLEBREW (UPPER MORROW)	0.1	NORTHERN NATURAL GAS
-MORAN CORP					RECEIVED: 07/30/80 JA: TX			
8050354	11745	4247100000	102		GIBBS BROTHERS C-2 UNIT #1 (75844)	CRABBS PRAIRIE (JAMES LI	215.0	MORGAS COMPANY
-MUSTANG EXPLORATION CO INC					RECEIVED: 07/30/80 JA: TX			
8050499	14926	4246931423	102		KRUEGER #2 (83036)	NURSERY (3400)	132.0	SUNBURST ENERGIES IN
-MWJ PRODUCING COMPANY					RECEIVED: 07/30/80 JA: TX			
8050234	07145	4232900000	103		ALSUP NO 1	SPRABERRY TREND AREA	48.0	EL PASO NATURAL GAS
-NAPECO INC					RECEIVED: 07/30/80 JA: TX			
8050225	06408	4236500000	102		BOWEN #8-1 77039	BECKVILLE NORTH (COTTON	73.0	NATURAL GAS PIPELINE
8050220	06105	4236530317	102		C I BELL #1 76574	BECKVILLE NORTH (COTTON	91.0	NATURAL GAS PIPELINE
8050222	06377	4236530316	102		D B HARDY #1 76949	BECKVILLE NORTH (COTTON	91.0	NATURAL GAS PIPELINE
-NORTH CENTRAL OIL CORPORATION					RECEIVED: 07/30/80 JA: TX			
8050319	08398	4249700000	108		J P TAYLOR #2-LT	MORRIS (ATOKA CONGLOMERA	12.0	NATURAL GAS PIPELINE
-OMEGA MINERALS INC					RECEIVED: 07/30/80 JA: TX			
8050196	00462	4217531069	103		GERTRUDE RIGGS NO 4 #76963	KAREN BEAUCHAMP (2100)	5.0	UNITED GAS PIPE LINE
-OWL PETROLEUM CO					RECEIVED: 07/30/80 JA: TX			
8050240	07703	4208930973	102		KENNETH DANKLEFS NC 1-C	LYDIA	70.0	TEXAS EASTERN TRANSM
8050240	07703	4208930973	103		KENNETH DANKLEFS NO 1-C	LYDIA	70.0	TEXAS EASTERN TRANSM
-PACER PETROLEUM INC					RECEIVED: 07/30/80 JA: TX			
*8050235	07198	4225331096	103		HARRISON #1 - T	NOODLE NW (CANYON 4000)	63.5	PALO DURO PIPELINE C
-PARAFFINE OIL CORP					RECEIVED: 07/30/80 JA: TX			
8050333	09171	4205730943	102		P H WELDER B NO 5L	HEYSER SE (8080)	365.0	FLORIDA GAS TRANSMIS
8050333	09171	4205730943	103		P H WELDER B NO 5L	HEYSER SE (8080)	365.0	FLORIDA GAS TRANSMIS
-PENNZOIL COMPANY					RECEIVED: 07/30/80 JA: TX			
8050232	06904	4217330898	103		L C CLARK #2 - 11293	GARDEN CITY	200.0	PHILLIPS PETROLEUM C

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JA NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
-PENNZOIL PRODUCING COMPANY				RECEIVED: 07/30/80 JA: TX			
8050281	05033	4236530577	102	CHADWICK UNIT NO 3-C	CARTHAGE/TRAVIS PEAK/	190.0	UNITED GAS PIPE LINE
8050296	05857	4236530736	103	H HALL UNIT NO 1-T	CARTHAGE/COTTON VALLEY	900.0	UNITED GAS PIPE LINE
8050251	09325	4236530673	103	HULL NO A-16-C	CARTHAGE/TRAVIS PEAK/	300.0	UNITED GAS PIPE LINE
-PETRO-SEARCH INC				RECEIVED: 07/30/80 JA: TX			
8050360	11979	4223300000	108	WATKINS #2 (1-117-00968-6)	PANHANDLE	0.0	GETTY OIL COMPANY
8050521	13852	4223300000	108	WHITT C #2 (1-117-01258-2)	PANHANDLE	0.2	PHILLIPS PETROLEUM C
8050522	13853	4223300000	108	WHITT C #3 (1-117-01258-3)	PANHANDLE	0.2	PHILLIPS PETROLEUM C
8050512	13942	4223300000	108	WHITT M #B1 (1-117-01257)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050518	13848	4223300000	108	WHITT M #B10 (1-117-01257)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050519	13849	4223300000	108	WHITT M #B11 (1-117-01257)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050513	13843	4223300000	108	WHITT M #B3 (1-117-01257-B3)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050514	13844	4223300000	108	WHITT M #B4 (1-117-01257-B4)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050520	13850	4223300000	108	WHITT M #B45 (1-117-01257)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050515	13845	4223300000	108	WHITT M #B6 (1-117-01257)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050516	13846	4223300000	108	WHITT M #B8 (1-117-01257)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050517	13847	4223300000	108	WHITT M #B9 (1-117-01257)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050528	13941	4223300000	108	WHITT M #G10 (1-117-01257)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050529	13942	4223300000	108	WHITT M #G11 (1-117-01257)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050523	13854	4223300000	108	WHITT M #G2 (1-117-01257)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050524	13855	4223300000	108	WHITT M #G3 (1-117-01257)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050525	13857	4223300000	108	WHITT M #G5 (1-117-01257)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050526	13939	4223300000	108	WHITT M #G8 (1-117-01257)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050527	13940	4223300000	108	WHITT M #G9 (1-117-01257)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050530	13943	4223300000	108	WHITT M #H1 (1-117-01257)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050535	13949	4223300000	108	WHITT M #H10 (1-117-01257)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050536	13950	4223300000	108	WHITT M #H11 (1-117-01257)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050537	13969	4223300000	108	WHITT M #H12 (1-117-01257)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050531	13944	4223300000	108	WHITT M #H2 (1-117-01257)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050532	13945	4223300000	108	WHITT M #H3 (1-117-01257)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050533	13947	4223300000	108	WHITT M #H6 (1-117-01257)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050534	13948	4223300000	108	WHITT M #H9 (1-117-01257)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050538	13970	4223300000	108	WHITT M #M1 (1-117-01257)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050539	13971	4223300000	108	WHITT M #M4 (1-117-01257)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050468	13974	4223300000	108	WHITT M #M42 (1-117-01257)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050469	13976	4223300000	108	WHITT M #M49 (1-117-01257)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050470	13977	4223300000	108	WHITT M #M50 (1-117-01257)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050471	13978	4223300000	108	WHITT M #M51 (1-117-01257)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050472	13979	4223300000	108	WHITT M #M52 (1-117-01257)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050473	13980	4223300000	108	WHITT M #M53 (1-117-01257)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050466	13972	4223300000	108	WHITT M #M7 (1-117-01257)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050467	13973	4223300000	108	WHITT M #M8 (1-117-01257)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050451	13260	4223300000	108	WHITTENBURG L #11 (1-117-01259-9)	PANHANDLE	0.0	PHILLIPS PETROLEUM C
8050452	13262	4223300000	108	WHITTENBURG L #19 (1-117-01259-9)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050447	13255	4223300000	108	WHITTENBURG L #2 (1-117-01259-9)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050453	13263	4223300000	108	WHITTENBURG L #24 (1-117-01259-9)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050441	13246	4223300000	108	WHITTENBURG L #30 (1-117-01259-9)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050442	13247	4223300000	108	WHITTENBURG L #31 (1-117-01259-9)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050443	13248	4223300000	108	WHITTENBURG L #32 (1-117-01259-9)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050444	13249	4223300000	108	WHITTENBURG L #33 (1-117-01259-9)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050445	13251	4223300000	108	WHITTENBURG L #36 (1-117-01259-9)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050445	13252	4223300000	108	WHITTENBURG L #37 (1-117-01259-9)	PANHANDLE	1.7	PHILLIPS PETROLEUM C

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8050448	13257	4223300000	108		WHITTENBURG L #5 (1-117-01259-9)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050449	13258	4223300000	108		WHITTENBURG L #8 (1-117-01259-9)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8050450	13259	4223300000	108		WHITTENBURG L #9 (1-117-01259-9)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
-PETROLEUM INTERNATIONAL INC					RECEIVED: 07/30/80 JA: TX			
8050244	08417	4217900000	108		SULLIVAN NO 1	PANHANDLE WEST	12.0	CITIES SERVICE CO
8050262	10385	4217900000	108		VANIMAN NO 1	PANHANDLE WEST	0.0	KERR-MCGEE CORP
8050261	10384	4217900000	108		VANIMAN NO 2	PANHANDLE WEST	0.0	KERR-MCGEE CORP
8050260	10383	4217900000	108		VANIMAN NO 3	PANHANDLE WEST	0.0	KERR-MCGEE CORP
8050259	10382	4217900000	108		VANIMAN NO 4	PANHANDLE WEST	0.0	KERR-MCGEE CORP
8050258	10381	4217900000	108		VANIMAN NO 5	PANHANDLE WEST	0.0	KERR-MCGEE CORP
8050257	10380	4217900000	108		VANIMAN NO 6	PANHANDLE WEST	0.0	KERR-MCGEE CORP
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 07/30/80 JA: TX			
8050501	14974	4213533180	108		(19297) SOUTH COWDEN UNIT NO 8-17	COWDEN SOUTH	8.7	ODESSA NATURAL GAS C
8050491	14726	4213521061	108		(21556) NORTH PENWELL UNIT NO 81	PENWELL	5.0	EL PASO NATURAL GAS
8050200	01995	4213532782	103		BAGLEY NO 15	FOSTER	4.1	ODESSA NATURAL CORP
8050201	01996	4213532783	103		BAGLEY NO 16	FOSTER	3.1	ODESSA NATURAL CORP
8050412	13105	4206500000	108		BLOCK NO 2	PANHANDLE CARSON	1.3	GETTY OIL CO
8050410	13101	4217900000	108		CASTLEBERRY B #2	PANHANDLE GRAY	0.3	KERR-MCGEE CORPORATI
8050409	13100	4217900000	108		CASTLEBERRY B NC 1	PANHANDLE GRAY	1.7	KERR-MCGEE CORPORATI
8050411	13102	4217900000	108		CASTLEBERRY B NO 4	PANHANDLE GRAY	6.0	KERR MCGEE CORPORATI
8050419	13151	4223300000	108		COCKRELL RANCH NO 101	PANHANDLE HUTCHINSON	7.0	GETTY OIL COMPANY
8050420	13152	4223300000	108		COCKRELL RANCH NO 103	PANHANDLE HUTCHINSON	1.0	GETTY OIL COMPANY
8050423	13155	4223300000	108		COCKRELL RANCH NO 11	PANHANDLE HUTCHINSON	1.8	GETTY OIL COMPANY
8050417	13147	4223300000	108		COCKRELL RANCH NO 12	PANHANDLE HUTCHINSON	1.8	GETTY OIL COMPANY
8050426	13158	4223300000	108		COCKRELL RANCH NO 13	PANHANDLE HUTCHINSON	8.0	GETTY OIL COMPANY
8050425	13157	4223300000	108		COCKRELL RANCH NO 15	PANHANDLE HUTCHINSON	3.0	GETTY OIL COMPANY
8050424	13156	4223300000	108		COCKRELL RANCH NO 16	PANHANDLE HUTCHINSON	0.5	GETTY OIL COMPANY
8050427	13159	4223300000	108		COCKRELL RANCH NO 4	PANHANDLE HUTCHINSON	0.4	GETTY OIL COMPANY
8050414	13125	4223300000	108		COCKRELL RANCH NO 53	PANHANDLE HUTCHINSON	0.5	GETTY OIL COMPANY
8050415	13129	4223300000	108		COCKRELL RANCH NO 59	PANHANDLE HUTCHINSON	5.0	GETTY OIL COMPANY
8050429	13164	4223300000	108		COCKRELL RANCH NO 6	PANHANDLE HUTCHINSON	0.4	GETTY OIL COMPANY
8050430	13167	4223300000	108		COCKRELL RANCH NO 63	PANHANDLE HUTCHINSON	0.4	GETTY OIL COMPANY
8050431	13168	4223300000	108		COCKRELL RANCH NO 64	PANHANDLE HUTCHINSON	0.4	GETTY OIL COMPANY
8050432	13169	4223300000	108		COCKRELL RANCH NO 65	PANHANDLE HUTCHINSON	0.6	GETTY OIL COMPANY
8050433	13170	4223300000	108		COCKRELL RANCH NO 66	PANHANDLE HUTCHINSON	3.0	GETTY OIL COMPANY
8050434	13171	4223300000	108		COCKRELL RANCH NO 67	PANHANDLE HUTCHINSON	1.2	GETTY OIL COMPANY
8050421	13153	4223300000	108		COCKRELL RANCH NO 8	PANHANDLE HUTCHINSON	6.0	GETTY OIL COMPANY
8050435	13172	4223300000	108		COCKRELL RANCH NO 83	PANHANDLE HUTCHINSON	2.2	GETTY OIL COMPANY
8050436	13173	4223300000	108		COCKRELL RANCH NO 84	PANHANDLE HUTCHINSON	9.0	GETTY OIL COMPANY
8050437	13174	4223300000	108		COCKRELL RANCH NO 87	PANHANDLE HUTCHINSON	7.0	GETTY OIL COMPANY
8050438	13175	4223300000	108		COCKRELL RANCH NO 88	PANHANDLE HUTCHINSON	0.6	GETTY OIL COMPANY
8050439	13176	4223300000	108		COCKRELL RANCH NO 89	PANHANDLE HUTCHINSON	4.0	GETTY OIL COMPANY
8050422	13154	4223300000	108		COCKRELL RANCH NO 9	PANHANDLE HUTCHINSON	4.0	GETTY OIL COMPANY
8050418	13148	4223300000	108		COCKRELL RANCH NO 99	PANHANDLE HUTCHINSON	4.5	GETTY OIL COMPANY
8050428	13160	4223300000	108		HAILE W B NO 6	PANHANDLE HUTCHINSON	3.2	GETTY OIL COMPANY
8050406	13059	4223300000	108		HARVEY UNIT 08-15	PANHANDLE HUTCHINSON	14.0	GETTY OIL COMPANY
8050357	11885	4223300000	108		JOHNSON J NO 2	WEST PANHANDLE	16.0	EL PASO NATURAL GAS
8050347	11938	4217930573	103		JOHNSON T NO 2	WEST PANHANDLE	44.0	
8050198	13408	4206510000	108		JORD NO 3	PANHANDLE WEST	2.6	CABOT CORP
8050504	13501	4206510000	108		JORDAN D NO 27	PANHANDLE CARSON	1.8	GETTY OIL COMPANY
8050506	13503	4206510000	108		JORDAN D NO 28	PANHANDLE CARSON	0.4	GETTY OIL CO
8050505	13502	4206520000	108		JORDAN D NO 29	PANHANDLE CARSON	1.5	GETTY OIL COMPANY
8050407	13079	4223300000	108		JORDAN D WELL NO 18	PANHANDLE HUTCHINSON	0.6	GETTY OIL CO

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8050401	12967	4223300000	108		LONE STAR NO 1	PANHANDLE HUTCHINSON	3.0	GETTY OIL COMPANY
8050500	14936	4219530691	102		MINDA A NO 2	WILLIAMS MIDDLE MORROW	183.0	PANHANDLE EASTERN PI
8050416	13131	4217900000	108		PHIL-PAMPA UNIT NO 1-4	PANHANDLE GRAY	1.2	GETTY OIL COMPANY
8050400	12928	4217900000	108		PHIL-PAMPA UNIT NO 14-04	PANHANDLE GRAY	1.2	GETTY OIL CO
8050402	13029	4217900000	108		PHIL-PAMPA UNIT NO 17-05	PANHANDLE GRAY	3.0	GETTY OIL CO
8050403	13030	4217900000	108		PHIL-PAMPA UNIT NO 18-01	PANHANDLE GRAY	1.5	CITIES SERVICE COMPA
8050404	13031	4217900000	108		PHIL-PAMPA UNIT NO 18-02	PANHANDLE GRAY	4.8	CITIES SERVICE CO
8050405	13034	4217900000	108		PHIL-PAMPA UNIT NO 20-04	PANHANDLE GRAY	1.0	CITIES SERVICE CO
8050299	05770	4248100000	108		POOLE NO 1	LISSIE	16.1	TENNESSEE GAS PIPELI
8050413	13109	4217900000	108		SIN-POPE NO 4	PANHANDLE GRAY	2.4	GETTY OIL CO
8050408	13086	4223300000	108		TIMMS E T WELL NO 2	PANHANDLE HUTCHINSON	5.0	GETTY OIL COMPANY
-PICKENS CO INC					RECEIVED: 07/30/80 JA: TX			
8050239	07700	4227331265	102		JOHNSON B NO 1 78067	RICARDO NORTH (7540)	140.0	HOUSTON PIPE LINE CO
-PLEMONS ENTERPRISES					RECEIVED: 07/30/80 JA: TX			
8050320	08803	4223300000	108		PAUL #4	PANHANDLE	6.0	GETTY OIL CO
-R C BENNETT					RECEIVED: 07/30/80 JA: TX			
8050202	03683	4243130722	103		RAY #1	CONGER (PENN)	130.0	LO-VACA GATHERING CO
-R H ENGELKE					RECEIVED: 07/30/80 JA: TX			
8050203	03858	4224930430	102		SALVATION ARMY NO 1	HALDEMAN SOUTH (ZONE 21-	140.5	TRUNKLINE GAS CO
-RESOURCES INVESTMENT CORPORATION					RECEIVED: 07/30/80 JA: TX			
8050336	09293	4212330908	103		R I C HARTMAN #1	MISSION VALLEY (5100)	0.0	ESPERANZA TRANSMISSI
-SABINE PRODUCTION COMPANY					RECEIVED: 07/30/80 JA: TX			
8050342	10392	4238300000	108		F W BIRD NO 2	SPRABERRY	2.7	PHILLIPS PETROLEUM C
-SCARTH OIL & GAS COMPANY					RECEIVED: 07/30/80 JA: TX			
8050270	03047	4229530589	103		NO 600-1 PIPER 80298	BRADFORD (CLEVELAND)	1.3	TRANSWESTERN PIPELIN
8050267	03048	4229530611	103		NO 601-2 PIPER 80190	BRADFORD (CLEVELAND)	90.0	TRANSWESTERN PIPELIN
-SECO PRODUCTION CO					RECEIVED: 07/30/80 JA: TX			
8050309	06980	4238300000	108		GREER 1-20 (05841)	CALVIN (DEAN)	1.9	ALLIED CHEMICAL CORP
-SHAHEEN & SONS					RECEIVED: 07/30/80 JA: TX			
8050334	09217	4243532019	103		DELORES ADAMS - 82 NO 1	PETE ADAMS (STRAWN SAND)	36.5	
8050335	09218	4243531977	103		ELLA ADAMS - 534 NO 1	PETE ADAMS (HARKEY SAND)	68.0	
-SHELL OIL CO					RECEIVED: 07/30/80 JA: TX			
8050507	13514	4221530780	102		BOSTON-TEXAS LAND TRUST NO 11	JAVELINA (VICKSBURG LO 1	600.0	NATURAL GAS PIPELINE
-SOJOURNER DRILLING CORP					RECEIVED: 07/30/80 JA: TX			
8050252	09331	4226900000	102		FLOYCE-MASTERSON #1	PRUDENCE (ATOKA)	8.0	LONE STAR GAS CO
-SOVEREIGN EXPLORATION CO					RECEIVED: 07/30/80 JA: TX			
8050510	13670	4202531048	103		PARKER #1	BLANCONIA	90.0	UNITED GAS PIPELINE
8050372	12578	4244931354	103		SCHAEFER #1	DREYER	290.0	TRANSCONTINENTAL GAS
-SUN OIL COMPANY (DELAWARE)					RECEIVED: 07/30/80 JA: TX			
8050238	07643	4221530849	102		A W BEAUPLINE WELL #3	BEAURLINE (VICKSBURG S)	80.0	TENNESSEE GAS PIPELI
8050269	04002	4207130569	102		STATE TRACT 130 #3	REDFISH REEF NORTH (F-8)	65.0	UNITED TEXAS TRANSMI
8050230	06524	4235530826	102		STATE TRACT 423 #10	RED FISH BAY (ZONE 38)	100.0	UNITED GAS PIPE LINE
-TEJAS PRODUCTION CO					RECEIVED: 07/30/80 JA: TX			
8050251	09149	4208900000	102		ROWLAND RUGELEY GAS UNIT NO 1	ENGLEHART NW	620.0	TEXAS EASTERN TRANSM
-TEXACO INC					RECEIVED: 07/30/80 JA: TX			
8050477	14262	4236530578	103		CRENSHAW GAS UNIT #2 O/A #2	BETHANY E (COTTON VALLEY	1500.0	UNITED GAS PIPE LINE
8050478	14265	4240331193	103		R H WELDER EST A #22	ENCINO PASTURE (5300 GAS	126.0	NATURAL GAS PIPELINE
-TEXAS OIL & GAS CORP					RECEIVED: 07/30/80 JA: TX			
8050332	03075	4225130434	102		ERCK #10	MCGILL (9030)	535.0	TRANSCONTINENTAL GAS
8050249	09378	4229731772	103		MCCLELLAND #11	OAKVILLE (WILCOX 7970)	110.0	DELHI GAS PIPELINE C
-TEXLAND PETROLEUM INC					RECEIVED: 07/30/80 JA: TX			
8050343	10410	4243330556	102		I S MCMILLIN NO 4	FRANKIRK EAST (CANYON SA	6.0	CITIES SERVICE OIL C

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-THE SUPERIOR OIL COMPANY					RECEIVED: 07/30/80 JA: TX			
8050199	01515	4271500001	102		STATE OF TX BLK 14-L UNIT #3	HIGH ISLAND BLK 14-L (10	5000.0	NATURAL GAS PIPELINE
8050199	01515	4271500001	103		STATE OF TX BLK 14-L UNIT #3	HIGH ISLAND BLK 14-L (10	5000.0	NATURAL GAS PIPELINE
8050193	01514	4271500010	102		STATE OF TX BLK 14-L UNIT #5	HIGH ISLAND BLK 14-L (10	5000.0	NATURAL GAS PIPELINE
8050193	01514	4271500010	103		STATE OF TX BLK 14-L UNIT #5	HIGH ISLAND BLK 14-L (10	5000.0	NATURAL GAS PIPELINE
8050339	09882	4228531258	102		V E RHODES GAS UNIT 1 NC 2	WORD N (EDWARDS)	246.0	LONE STAR GAS CO
8050339	09882	4228531258	103		V E RHODES GAS UNIT 1 NO 2	WORD N (EDWARDS)	246.0	LONE STAR GAS CO
-THOMAS D COFFMAN					RECEIVED: 07/30/80 JA: TX			
8050233	07133	4228700000	103		ZOCH #1 016115	GIDDINGS (AUSTIN CHALK/B	12.0	PGP GAS PRODUCTS INC
-U S OPERATING INC					RECEIVED: 07/30/80 JA: TX			
8050356	11759	4228730410	102		LISA #1 (82074)	GIDDINGS (AUSTIN CHALK G	730.0	PGP GAS PRODUCTS INC
-W B D OIL & GAS CO					RECEIVED: 07/30/80 JA: TX			
8050289	05629	4234100000	108		MORTON #8 RRC02364	PANHANDLE	11.2	PHILLIPS PETROLEUM C
-W L BRUCE OPERATOR					RECEIVED: 07/30/80 JA: TX			
8050214	05623	4217900000	108		H H MERTON #15 RRC 00332	PANHANDLE	1.4	PHILLIPS PETROLEUM C
-WARREN PETR CO A DIV OF GULF OIL CO					RECEIVED: 07/30/80 JA: TX			
8050368	12539	4210300000	108		HATTIE CONNELL ET AL NC F-11	C-BAR (TUBB)	6.0	EL PASO NATURAL GAS
8050458	13308	4210300000	108		M B MCKNIGHT TR A 104	SAND HILLS JUDKINS	6.0	EL PASO NATURAL GAS
8050455	13302	4210300000	108		M B MCKNIGHT TR B 48-T	SAND HILLS TUBB	13.0	EL PASO NATURAL GAS
8050456	13306	4210300000	108		M B MCKNIGHT TR D #23	SAND HILLS MCKNIGHT	4.0	EL PASO NATURAL GAS
8050457	13307	4210300000	108		M B MCKNIGHT TR D 94	SAND HILLS JUDKINS	22.0	EL PASO NATURAL GAS
8050367	12381	4210300000	108		M B MCKNIGHT TR F #31	ARMER (6350)	5.0	EL PASO NATURAL GAS
8050370	12541	4210300000	108		M B MCKNIGHT 54T	ARMER (TUBB)	2.0	EL PASO NATURAL GAS
8050369	12540	4210300000	108		M F HENDERSON (NCT-B) TR D 109	C-BAR SAN ANDRES	1.0	EL PASO NATURAL GAS
8050351	11542	4210300000	108		W N WADDELL ET AL TR A 514	SAND HILLS TUBB	3.0	EL PASO NATURAL GAS
8050350	11541	4210300000	108		W N WADDELL ET AL TR B 59	SAND HILLS TUBB	7.0	EL PASO NATURAL GAS
8050353	11734	4210310000	108		W N WADDELL TR 1 #312	WADDELL	1.0	EL PASO NATURAL GAS
8050355	11737	4210300000	108		W N WADDELL TRL #347	WADDELL	1.0	EL PASO NATURAL GAS
-WILLIAM F D ETLING					RECEIVED: 07/30/80 JA: TX			
8050461	13427	4219500000	108		ETLING UNIT #1 (22191)	HITCHLAND (4640) #22191	5.0	NORTHERN NATURAL GAS
-WORLD PRODUCERS INC					RECEIVED: 07/30/80 JA: TX			
8050502	14980	4236730962	102		WOODS NO 1 (82596)	WOODS (STRAWN 2800) FIEL	48.9	NATURAL GAS PIPELINE
-YUCCA PETROLEUM CO					RECEIVED: 07/30/80 JA: TX			
8050268	03569	4219530582	103		H L BOYD 2-5 TRC#76664	HANSFORD NORTH (TONKAWA)	180.0	NORTHERN NATURAL GAS

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WEST VIRGINIA DEPARTMENT OF MINES

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-ALLEGHENY & WESTERN ENERGY CORP					RECEIVED: 07/28/80 JA: WV			
8050540		4703903359	108		IMPERIAL COAL #4-R	CABIN CREEK	12.0	COLUMBIA GAS TRANSMI
-ALLERTON MILLER					RECEIVED: 07/30/80 JA: WV			
8050044		4709721044	108		A D ARNOLD #1 M-377	WARREN DISTRICT	4.6	EQUITABLE GAS CO
8050031		4709720747	108		ALVA LEWIS #1 M-317	WARREN DISTRICT	5.4	EQUITABLE GAS CO
8050046		4709721483	108		CECILE WEST HYMES #1 M-411	WASHINGTON DISTRICT	11.5	EQUITABLE GAS CO
8050034		4709720739	108		FELTON MICK #1 M-330	WARREN DISTRICT	3.0	EQUITABLE GAS CO
8050032		4709720762	108		GUY BUSH (LEWIS HEIRS) #1 M-320	BUCKHANNON DISTRICT	4.5	EQUITABLE GAS CO
8050028		4709720682	108		H S BURNER #1 M-307	MEADE DISTRICT	7.7	EQUITABLE GAS CO
8050039		4709720369	108		H S BURNER #2 M-345	BUCKHANNON DISTRICT	6.7	EQUITABLE GAS CO
8050035		4709720830	108		HOLLEN G SMITH #1 M-335	BUCKHANNON DISTRICT	4.3	EQUITABLE GAS CO
8050036		4709720832	108		IVA GOULD #1 M-336	MEADE DISTRICT	1.4	EQUITABLE GAS CO
8050042		4709721702	108		IVA GOULD #2 M-415	MEADE DISTRICT	13.0	EQUITABLE GAS CO
8050041		4709720965	108		JOE SMITH #1 M-363	WARREN DISTRICT	2.0	EQUITABLE GAS CO
8050038		4709720859	108		JOHN LOVE #1 M-342	WARREN DISTRICT	3.3	EQUITABLE GAS CO

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JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8050033		4709720788	108	LUCILE LOGAN #1 M-325	WARREN DISTRICT	4.1	EQUITABLE GAS CO
8050042		4709720987	108	MONTGOMERY & ODELL #1 M-369	MEADE DISTRICT	4.3	EQUITABLE GAS CO
8050029		4709720703	108	MYRTIE GUM #1 M-312	WARREN DISTRICT	3.4	EQUITABLE GAS CO
8050030		4709720717	108	PAUL LEWIS #1 M-314	BUCKHANNON DISTRICT	6.7	EQUITABLE GAS CO
8050040		4709720928	108	PAUL LEWIS #2 M-356	BUCKHANNON DISTRICT	6.7	EQUITABLE GAS CO
8050037		4709720855	108	RAY F POLING #1 M-340	BUCKHANNON DISTRICT	0.8	EQUITABLE GAS CO
8050045		4709721049	108	SAMUEL CUTRIGHT #1 M-375	MEADE DISTRICT	9.2	EQUITABLE GAS CO
8050043		4709721007	108	TEAL QUEEN #1 M-371	WARREN DISTRICT	22.1	EQUITABLE GAS CO
8050047		4709721484	108	TOPE & FOSTER #1 M-412	WASHINGTON DISTRICT	19.7	EQUITABLE GAS CO
8050048		4709721489	108	TOPE & FOSTER #2 M-414	WASHINGTON DISTRICT	5.5	EQUITABLE GAS CO
8050027		4709720670	108	W S GOULD #1 M-306	MEADE DISTRICT	0.6	EQUITABLE GAS CO
-CABOT CORPORATION				RECEIVED: 07/30/80 JA: WV			
8050057		4707900458	108	H H KESSELL 1-1346	SISSONVILLE ORISKANY	5.8	
8050056		4703900896	108	POCA COAL LAND 7-1024	SISSONVILLE ORISKANY	2.0	
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED: 07/30/80 JA: WV			
8050059		4702103077	108	PEARCY ARBUCKLE 6105	WEST VIRGINIA OTHER A-85	5.0	GENERAL SYSTEM PURCH
8050062		4708503914	108	S E JONES - 7099	WEST VIRGINIA OTHER A-85	14.0	GENERAL SYSTEM PURCH
8050060		4701302714	108	SMITH-BENNETT 7010	WEST VIRGINIA OTHER A-85	12.0	GENERAL SYSTEM PURCH
8050063		4709500496	108	T A PITTS 7135	WEST VIRGINIA OTHER A-85	7.0	GENERAL SYSTEM PURCH
8050061		4701701982	108	W B MAXWELL 7040	WEST VIRGINIA OTHER A-85	8.0	GENERAL SYSTEM PURCH
-EASTRIDGE ENERGY CORP				RECEIVED: 07/30/80 JA: WV			
8050026		4701302367	108	ROYAL & LORENA WHITE #1	SHERMAN DISTRICT	3.0	CABOT CORP
-FUEL RESOURCES DEVELOPMENT CO				RECEIVED: 07/30/80 JA: WV			
*8050050		4700120643	103	H ESSIG #1	VALLEY DISTRICT	20.0	CONSOLIDATED GAS SUP
*8050058		4700120857	103	W R KING #1	VALLEY DISTRICT	20.0	CONSOLIDATED GAS SUP
-P & S OIL AND GAS CORPORATION				RECEIVED: 07/30/80 JA: WV			
8050053		4705900270	108	BUFFALO-WINIFREDE	WILLIAMSON	13.6	COLUMBIA GAS TRANSMI
8050052		4705900207	108	KEN B STEPP	WILLIAMSON	10.9	COLUMBIA GAS TRANSMI
8050051		4705900200	108	VIRGINIA STEPP #1	WILLIAMSON	10.9	COLUMBIA GAS TRANSMI
-QUAKER STATE OIL REFINING CORP				RECEIVED: 07/30/80 JA: WV			
8050054		4709520009	108	CAIN HEIRS #4	CENTERVILLE DISTRICT	1.2	PENNZOIL CO
8050055		4709520714	108	E DILLON #1	MCELROY DISTRICT	2.1	CONSOLIDATED GAS CO

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** U.S. GEOLOGICAL SURVEY - METAIRIE,LA

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JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
-CNG PRODUCING COMPANY				RECEIVED: 07/31/80 JA: LA 3			
8050584	GO-1415	1771240223	102	OCS 1028 F-14S1	SHIP SHOAL 247	1460.0	COLUMBIA GAS TRANSMI
8050585	GO-1416	1771240229	102	OCS 1028 F-17S1	SHIP SHOAL 247	146.0	COLUMBIA GAS TRANSMI
8050607	GO-1417	1771240229	102	OCS 1029 F-17S2 (ALT)	SHIP SHOAL 247	146.0	COLUMBIA GAS TRANSMI
*8050616	GO-1440	1771240197	102	OCS 1028 F-202	SHIP SHOAL	1460.0	COLUMBIA GAS TRANSMI
8050583	GO-1441	1771240197	102	OCS 1029 F-203 (ALT)	SHIP SHOAL 247	1460.0	COLUMBIA GAS TRANSMI
8050579	GO-1442	1771240196	102	OCS 1028 F-4S1	SHIP SHOAL	2738.0	COLUMBIA GAS TRANSMI
8050578	GO-1443	1771240216	102	OCS 1028 F-9S1	SHIP SHOAL	2738.0	COLUMBIA GAS TRANSMI
-EXXON CORPORATION				RECEIVED: 07/31/80 JA: LA 3			
8050605	GO-1319	1771540321	102	OCS-G-1255 # D-1	SOUTH TIMBALIER 171	1825.0	TRUNKLINE GAS CO
8050608	GO-1438	1771540327	102	OCS-G-1255 #D-3	SOUTH TIMBALIER 171	1800.0	TRUNKLINE GAS COMPAN
8050609	GO-1444	1770940392	102	OCS-G-3331 #A-6	EUGENE ISLAND 251	4000.0	COLUMBIA GAS TRANS C
-MOBIL OIL EXPLORATION & PROD S E				RECEIVED: 07/31/80 JA: LA 3			
*8050596	GO-1463	1770240530	102	OCS G-3519 #A-1A	WEST CAMERON 494	361.0	TRANSCONTINENTAL GAS
*8050597	GO-1464	1770240530	102	OCS G-3519 #A-1B	WEST CAMERON 494	45.0	TRANSCONTINENTAL GAS
*8050598	GO-1465	1770240533	102	OCS G-3519 #A-2A	WEST CAMERON 494	361.0	TRANSCONTINENTAL GAS
*8050599	GO-1466	1770240533	102	OCS G-3519 #A-2B	WEST CAMERON 494	361.0	TRANSCONTINENTAL GAS

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
*8050592	GO-1467	1770240540	102		OCS G-3519 #A-3A	WEST CAMERON 494	1129.0	TRANSCONTINENTAL GAS
-PLACID OIL COMPANY					RECEIVED: 07/31/80 JA: LA 3			
*8050603	GO-1474	1770740334	102		OCS G-2600 C-18	SOUTH MARSH IS 281	3000.0	TRUNKLINE GAS COMPAN
-SHELL OIL CO					RECEIVED: 07/31/80 JA: LA 3			
8050606	GO-1421	1770540340	102		OCS G-1133 A-11 (ST 3)	VERMILION 190	0.0	SEA ROBIN PIPELINE C
8050601	GO-1419	1770640235	102		OCS G-2091 A-4	VERMILION 340	54.0	NATURAL GAS PIPELINE
8050612	G9-1169	1770840270	102	D	OCS G-2280 B-22	SOUTH MARSH IS	8.0	TRANSCONTINENTAL GAS
8050585	GO-1422	1770540352	102		OCS-G-1133 #A-9	VERMILION 190	0.0	SEA ROBIN PIPELINE C
8050594	G9-1173	1770840298	102	D	OCS-G-2280 B-29	SOUTH MARSH IS 130	11.0	TRANSCONTINENTAL GAS
8050590	G9-1170	1770840249	102	D	OCS-G-2281 B-20	SOUTH MARSH IS 131	11.0	TRANSCONTINENTAL GAS
8050595	G9-1172	1770840191	102	D	OCS-G-2281 B-3	SOUTH MARSH IS 131	5.0	TRANSCONTINENTAL GAS
-TRANSCO EXPLORATION COMPANY					RECEIVED: 07/31/80 JA: LA 3			
*8050614	GO-1435	1770240557	102		OCS G-3520 A-1	WEST CAMERON	2555.0	TRANSCONTINENTAL GAS
*8050611	GO-1430	1770240587	102		OCS G-3520 A-10	WEST CAMERON	730.0	TRANSCONTINENTAL GAS
*8050613	GO-1429	1770240598	102		OCS G-3520 A-12	WEST CAMERON	2190.0	TRANSCONTINENTAL GAS
*8050602	GO-1428	1770240569	102		OCS G-3520 A-13	WEST CAMERON 498	1825.0	TRANSCONTINENTAL GAS
*8050604	GO-1425	1770240565	102		OCS G-3520 A-19	WEST CAMERON 498	2555.0	TRANSCONTINENTAL GAS
*8050610	GO-1434	1770240541	102		OCS G-3520 A-3	WEST CAMERON 498	5110.0	TRANSCONTINENTAL GAS
*8050600	GO-1431	1770240478	102		OCS G-3520 A-8-D	WEST CAMERON 498	2555.0	TRANSCONTINENTAL GAS
*8050593	GO-1432	1770240478	102		OCS-G-3250 A-8	WEST CAMERON 498	2555.0	TRANSCONTINENTAL GAS
-UNION OIL COMPANY OF CALIF					RECEIVED: 07/31/80 JA: LA 3			
8050577	GO-1475	1770540042	102		OCS 0549 #6	VERMILION	400.0	TRANSCONTINENTAL GAS
8050615	GO-1452	1770040346	102		OCS-0911 #C-6	WEST CAMERON	730.0	TEXAS EASTERN TRANSM
-AMINOIL DEVELOPMENT INC					RECEIVED: 07/31/80 JA: TX 3			
*8050588	GO-1468	4271140427	102		OCS-G-2412 #A-12	HIGH ISLAND A-317	1460.0	NATURAL GAS PIPELINE
-MCMORAN OFFSHORE EXPLORATION CO					RECEIVED: 07/31/80 JA: TX 3			
*8050591	GO-1397	4270940469	102		OCS-G 2360 #A-5	HIGH ISLAND A-447	1620.0	TRANSCONTINENTAL GAS
8050619	GO-1469	4270740042	102		OCS-G-2347 #A-1	GALVESTON	2500.0	TRANSCONTINENTAL GAS
8050587	GO-1471	4270740049	102		OCS-G-2347 #A-5	GALVESTON A-157	2500.0	TRANSCONTINENTAL GAS
8050589	GO-1472	4270740044	102		OCS-G-2347 #A-6	GALVESTON A-157	2500.0	TRANSCONTINENTAL GAS
*8050618	GO-1396	4270940469	102		OCS-G-2360 #A-5	HIGH ISLAND	0.0	TRANSCONTINENTAL GAS
*8050580	GO-1394	4270940460	102		OCS-G-2361 #A-1	HIGH ISLAND	1620.0	TRANSCONTINENTAL GAS
*8050582	GO-1395	4270940491	102		OCS-G-2361 #A-4	HIGH ISLAND A-448	1620.0	TRANSCONTINENTAL GAS
8050581	GO-1470	4270740347	102		OCS-G-4072 #A-3	GALVESTON A-156	2500.0	
-SHELL OIL CO					RECEIVED: 07/31/80 JA: TX 3			
*8050617	GO-1420	4270840063	102		OCS G-3236 A-9	HIGH ISLAND	0.0	UNITED GAS PIPE LINE

OTHER PURCHASERS VOLUME NO 1266

8050050	BROOKLYN UNION GAS CO
8050058	BROOKLYN UNION GAS CO
8050063	LOUISIANA INTERSTATE GAS CORP
8050069	TEXAS GAS TRANSMISSION CORP
8050088	TEXAS GAS TRANSMISSION CORP
8050125	MONTEREY P L CO
8050212	TEXAS UTILITIES FUEL CO
8050215	ACME BRICK CO
8050216	ACME BRICK CO
8050217	ACME BRICK CO
8050218	ACME BRICK CO
8050223	TEXAS UTILITIES FUEL CO
8050224	COLTEXO CORP
8050227	COLTEXO CORP
8050228	TEXAS UTILITIES FUEL CO
8050229	TEXAS UTILITIES FUEL CO
8050235	SID RICHARDSON CARBON & GASOLINE CO
8050304	COLTEXO CORP
8050305	COLTEXO CORP
8050306	COLTEXO CORP
8050346	GULFTIDE GAS CORP
8050542	WESTERN GAS PROCESSORS LTD
8050560	COLUMBIA GAS TRANSMISSION
8050582	COLUMBIA GAS TRANSMISSION
8050588	TRUNKLINE/ PANHANDLE EASTERN
8050591	COLUMBIA GAS TRANSMISSION
8050592	TENNESSEE GAS PIPELINE
8050593	PUBLIC SERVICE GAS & ELEC
8050596	TENNESSEE GAS PIPELINE
8050597	TENNESSEE GAS PIPELINE
8050598	TENNESSEE GAS PIPELINE
8050599	TENNESSEE GAS PIPELINE
8050600	PUBLIC SERVICE GAS & ELEC
8050602	PUBLIC SERVICE GAS & ELEC
8050603	SOUTHERN NATURAL GAS CO
8050604	PUBLIC SERVICE GAS & ELEC
8050610	PUBLIC SERVICE GAS & ELEC
8050611	PUBLIC SERVICE GAS & ELEC
8050613	PUBLIC SERVICE GAS & ELEC
8050614	PUBLIC SERVICE GAS & ELEC
8050616	TRANSCONTINENTAL GAS PIPELINE
8050617	TRANSCONTINENTAL GAS PIPELINE
8050618	COLUMBIA GAS TRANSMISSION

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf).

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before October 2, 1980.

Please reference the FERC Control Number (JD NO) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28429 Filed 9-16-80; 8:45 am]

BILLING CODE 6450-85-M

[Volume 267]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued September 3, 1980.

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 JD NO     JA DKT      API NO     SEC D WELL NAME                FIELD NAME                PROD  PURCHASER
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*******************************************************************************
   OKLAHOMA CORPORATION COMMISSION
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-AL MCCORD INC                        RECEIVED:  07/31/80  JA: OK

 8050737   03552       3507321923 103   HUBBARD 1                EAST LOYAL               113.0 CITIES SERVICE GAS C
 8050738   03550       3507321901 103   KOEN 1                   EAST LOYAL                30.0 CITIES SERVICE GAS C
-ANDOVER OIL COMPANY                  RECEIVED:  07/31/80  JA: OK
 8050753   04679       3501720999 102   RUMSEY #10-1             YUKON                    175.0 PHILLIPS PETROLEUM C
 8050752   04678       3501721031 102   RUMSEY #10-2             YUKON                    175.0 PHILLIPS PETROLEUM C
-CHAMPLIN PETROLEUM COMPANY           RECEIVED:  07/31/80  JA: OK
 8050740   01563       3508321047 103   H E CATRON #2            CASHION                   22.0 CITIES SERVICE GAS C
-CHASE EXPLORATION CORP               RECEIVED:  07/31/80  JA: OK
*8050742   04711       3507121035 103   BORTH #1-7               NEVA                      36.5 CITIES SERVICE GAS C
*8050743   04710       3507121036 103   BRAWNER #1-18            NEVA                      23.7 CITIES SERVICE GAS C
*8050746   04707       3507121032 103   CUMMINGS #1-1            NEVA                      72.2 CITIES SERVICE GAS C
*8050745   04708       3507121148 103   JOHNS #1-24              NEVA                       8.7 CITIES SERVICE GAS C
*8050744   04709       3507120887 103   PIERCE #1-22             NEVA                      27.3 CITIES SERVICE GAS C
*8050741   04712       3507121038 103   SPORE #1-25              NEVA                      73.2 CITIES SERVICE GAS C
-CORLEY GINTHER OIL CORP              RECEIVED:  07/31/80  JA: OK
 8050756   04414       3504721798 103   OVEN NO 1                SOUTH GARBER              77.0 ARCO OIL AND GAS CO
-GEODYNE RESOURCES INC                RECEIVED:  07/31/80  JA: OK
 8050751   03865       3504721786 103   BIRD 10-1                N E ENID                  73.0 GRACE PETROLEUM CO
-HELMERICH & PAYNE INC                RECEIVED:  07/31/80  JA: OK
 8050748   04734       3515320312 108   STARR NO 1               N W QUINLAN               14.0 MICHIGAN WISCONSIN P
-JORDAN OIL & GAS COMPANY             RECEIVED:  07/31/80  JA: OK
 8050755   04471       3504500000 103   WINTERS NO 1             HIGGINS SOUTH            180.0 NORTHERN NATURAL GAS
-MOBIL OIL CORP                       RECEIVED:  07/31/80  JA: OK
 8050750   02878       3500721379 103   NELSON #3 NO 4           MOCANE-LAVERNE           200.0 MICHIGAN WISCONSIN P
-POST OAK OIL CO                      RECEIVED:  07/31/80  JA: OK
 8050739   03270       3508300000 108 D ACTON #2                 LOVELL                     0.0 EASON OIL CO
-PRODUCTION OIL CORP                  RECEIVED:  07/31/80  JA: OK
 8050749   04601       3510521849 103   HALSELL LH-102-VII       NORTH CHILDERS            16.4 CITIES SERVICE GAS C
-SEARCH DRILLING CO                   RECEIVED:  07/31/80  JA: OK
 8050747   04655       3500721706 103   MORRIS #1                N W BRYANS CORNER         99.0
-TEXAS OIL & GAS CORP                 RECEIVED:  07/31/80  JA: OK
 8050761   03409       3505920792 103   ENRIGHT #1               N W LOVEDALE             200.0
-VERDIGRIS GATHERING SYSTEMS INC      RECEIVED:  07/31/80  JA: OK
 8050757   04370       3503520095 108   D A GOODWIN #2           WIMER                      0.6 CITIES SERVICE GAS C
 8050758   04369       3503500000 108   D A GOODWIN #5           WIMER                      0.8 CITIES SERVICE GAS C
 8050760   04368       3503520268 108   H E LAYTON #2            WIMER                      7.2 CITIES SERVICE GAS C
 8050759   04367       3503520267 108   J A ROBERTSON #1         WIMER                      3.6 CITIES SERVICE GAS C
-WESSELY ENERGY CORPORATION           RECEIVED:  07/31/80  JA: OK
 8050736   04506       3504300000 103   #1-27 ELLINGTON          PUTNAM                   219.0 DELHI GAS PIPELINE C
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                                                                                 VOLUME 267        PAGE 002
 JD NO      JA DKT      API NO     SEC D WELL NAME                        FIELD NAME                  PRCD   PURCHASER
 -----      ------      ------     --- - ---------                        ----------                  ----   ---------
-WOODS PETROLEUM CORPORATION             RECEIVED:  07/31/80  JA: OK
 8050754    04627       3504520779 103   VALENTINE #1-1                   EAST HARMON                365.0 CITIES SERVICE GAS C
**************************************************************************************************
  PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES
**************************************************************************************************
-AMOCO PRODUCTION CO                     RECEIVED:  07/31/80  JA: PA
 8050830    3569        3711120049 102   THOMAS BENSON NO 1               W SHANKSVILLE             1460.0 UGI CORP
-ATLAS RESOURCES INC                     RECEIVED:  07/31/80  JA: PA
 8050954    5189        3706325018 103   GOSS NO 1 - #0905                WILLIAM ERNEST GOSS         22.0
 8050952    5188        3706325019 103   GOSS NO 2 - #0906                WILLIAM ERNEST GOSS         26.0
 8050957    5193        3706325020 103   YANITY NO 1 - #0901              MARJORIE C YANITY           64.0 COLUMBIA GAS TRANSMI
 8050953    5192        3706325021 103   YANITY NO 2 - #0902              MARJORIE C YANITY           73.0 COLUMBIA GAS TRANSMI
 8050956    5191        3706325022 103   YANITY NO 3 - #0903              MARJORIE C YANITY           27.0 COLUMBIA GAS TRANSMI
 8050955    5190        3706325023 103   YANITY NO 4 - #0904              MARJORIE C YANITY           54.0 COLUMBIA GAS TRANSMI
-BAKER GAS INC                           RECEIVED:  07/31/80  JA: PA
 8050964    5204        3700500000 108   A M SHELLHAMMER #1               MATEER                       5.0 APOLLO GAS CO
 8050965    5205        3700520932 108   A M SHELLHAMMER #2               MATEER                       5.0 APOLLO GAS CO
 8050963    5203        3700500000 108   E GRAFF #1                       CRAIGSVILLE                  2.6 T W PHILLIPS GAS & O
 8050972    5210        3700522148 108   KLINGENSMITH #2-R                MATEER                      21.2 APOLLO GAS CO
 8050968    5208        3700510000 108   T E BECK #1                      MATEER                       5.5 APOLLO GAS CO
 8050969    5209        3700520336 108   T E BECK #2                      MATEER                       0.0 APOLLO GAS CO
 8050967    5207        3700520479 108   T E BECK #3                      MATEER                       4.4 APOLLO GAS CO
 8050966    5206        3700520676 108   THOMAS KAVOURAS #1               MATEER                       4.0 T W PHILLIPS GAS & O
-BOYD & SHRIVER                          RECEIVED:  07/31/80  JA: PA

 8050928    5103        3700500000 108   117-ANTHONY                      MAHONING                     3.3 T W PHILLIPS GAS & O
 8050931    5063        3700500000 108   12-NEAL                          RED BANK                     2.1 PEOPLES NATURAL GAS
 8050927    5104        3706500000 108   120-BRUNO                        BEAVER                       2.2 T W PHILLIPS GAS & O
 8050926    5105        3706500000 108   125-COPENHAVER                   BEAVER                       2.6 T W PHILLIPS GAS & O
 8050925    5106        3706500000 108   128-CHANDLER                     BEAVER                       1.4 T W PHILLIPS GAS & O
 8050851    5223        3706300000 108   141-ENGLE                        REDBANK                      1.1 PEOPLES NATURAL GAS
 8050924    5107        3700500000 108   143-HETRICK                      MADISON                      2.5 T W PHILLIPS GAS & O
 8050935    5056        3706500000 108   157-BRUNO                        BEAVER                       2.0 T W PHILLIPS GAS & O
 8050934    5057        3706500000 108   164-FRY                          BEAVER                       1.8 T W PHILLIPS GAS & O
 8050933    5058        3706500000 108   167-HETRICK                      BEAVER                       2.0 T W PHILLIPS GAS & O
 8050852    5224        3706300000 108   174-MCGREGOR                     REDBANK                      2.3 PEOPLES NATURAL GAS
 8050970    5225        3700500000 108   180-MILLIRON                     REDBANK                      2.3 PEOPLES NATURAL GAS
 8050932    5059        3706500000 108   182-THOMAS                       BEAVER                       1.1 T W PHILLIPS GAS & O
 8050930    5064        3700500000 108   187-NEAL                         RED BANK                     3.0 PEOPLES NATURAL GAS
 8050971    5226        3700500000 108   196-MILLIRON                     REDBANK                      1.0 PEOPLES NATURAL GAS
 8050929    5065        3700520016 108   201-NEAL                         RED BANK                     8.3 PEOPLES NATURAL GAS
 8050974    5228        3700520013 108   202-ENGLE                        REDBANK                      2.0 PEOPLES NATURAL GAS
 8050975    5229        3700520019 108   204-MILLIRON                     REDBANK                      1.7 PEOPLES NATURAL GAS
 8050977    5230        3700520087 108   211-PAINTER-VOGEL                REDBANK                      1.4 PEOPLES NATURAL GAS
 8050976    5231        3705520099 108   212-TRAVIS                       REDBANK                      2.8 PEOPLES NATURAL GAS
 8050978    5232        3700520103 108   213-DOVERSPIKE                   REDBANK                      2.1 PEOPLES NATURAL GAS
 8050979    5234        3700520121 108   217-TRAVIS                       REDBANK                      3.7 PEOPLES NATURAL GAS
 8050835    4867        3700510700 108   227-TRAVIS                       RED BANK                     4.6 PEOPLES NATURAL GAS
 8050836    4868        3700520186 108   229-SMITH                        RED BANK                     1.7 PEOPLES NATURAL GAS
 8050837    4869        3700520147 108   230-TRAVIS                       RED BANK                     1.9 PEOPLES NATURAL GAS
 8050838    4870        3700520199 108   231-PAINTER-VOGEL                RED BANK                     0.2 PEOPLES NATURAL GAS
 8050839    4871        3700520235 108   244-SITTMAN                      MAHONING                     3.3 PEOPLES NATURAL GAS
 8050840    4872        3700520313 108   256-MCGREGOR                     RED BANK                     3.2 PEOPLES NATURAL GAS
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JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8050841	4873	3700520378	108	271-GOLDSTROHM	VALLEY	1.3	PEOPLES NATURAL GAS
8050921	5111	3706320236	108	276-EDWARDS	NORTH MAHONING	1.1	T W PHILLIPS GAS & O
8050919	5118	3706320262	108	278-BISHOP	NORTH MAHONING	3.2	T W PHILLIPS GAS & O
8050920	5117	3706500000	108	281-MILLIRON	RINGGOLD	1.8	T W PHILLIPS GAS & O
8050923	5109	3706320312	108	282-HUDSON	NORTH MAHONING	2.6	T W PHILLIPS GAS & O
8050922	5110	3706500000	108	285-KENNEDY	PORTER	2.7	T W PHILLIPS GAS & O
8050842	4874	3700520553	108	286-WILLIAMS	PLUM CREEK	3.7	PEOPLES NATURAL GAS
8050843	4875	3706320465	108	290-BEHM	NORTH MAHONING	7.0	PEOPLES NATURAL GAS
8050844	4876	3706320457	108	291-MCISAAC	N MAHONING	5.0	PEOPLES NATURAL GAS
8050845	4877	3706320466	108	292-BEHM	N MAHONING	8.4	PEOPLES NATURAL GAS
8050846	4878	3706320468	108	293-WILKINS	MARCHAND	8.5	PEOPLES NATURAL GAS
8050847	4879	3706320496	108	294-MOTTORN	N MAHONING	7.6	PEOPLES NATURAL GAS
8050848	4880	3706320497	108	295-MARSHALL	E MAHONING	1.8	PEOPLES NATURAL GAS
8050911	4859	3706320513	108	296-ANTHONY	N MAHONING	3.1	THE PEOPLES NATURAL
8050912	4860	3706320523	108	297-NEVLING	E MAHONING	3.6	THE PEOPLES NATURAL
8050913	4861	3706320546	108	300-NEVLING	E MAHONING	5.6	PEOPLES NATURAL GAS
8050941	4862	3706320545	108	301-ELKIN	N MAHONING	5.9	PEOPLES NATURAL GAS
8050940	4863	3706320556	108	304-BEHM	N MAHONING	6.8	PEOPLES NATURAL GAS
8050939	4864	3700520781	108	312-ENGLE	RED BANK	1.1	PEOPLES NATURAL GAS
8050938	4865	3706320743	108	324-NEVLING	E MAHONING	1.7	PEOPLES NATURAL GAS
8050937	4866	3706321034	108	355-BROWN	CENTER	1.5	PEOPLES NATURAL GAS
8050904	2024	3706322052	108	416-SHIELDS	E MAHONING	19.7	CONSOLIDATED GAS SUP
8050918	5119	3706323143	108	438-NESBIT	N MAHONING	18.0	CONSOLIDATED GAS SUP
8050951	5780	3706323776	103	478-MCISAAC	EAST MAHONING	22.7	T W PHILLIPS GAS & O
-CASTLE GAS CO INC				RECEIVED: 07/31/80 JA: PA			
8050886	971	3712920820	108	A E DAVIS #1 (C-319) WES-20820R	DERRY TOWNSHIP	14.0	PEOPLES NATURAL GAS
8050887	972	3712920821	108	A E DAVIS #2 (C-320) WES-20821	DERRY TOWNSHIP	14.0	PEOPLES NATURAL GAS
8050853	0769	3706322681	108	A SIMPSON #1 (C-231) IND-33672	WEST MAHONING TWP	32.0	PEOPLES NATURAL GAS
8050896	1007	3706321709	108	ANGELO FARRARO #2 C-14 IND-21709	SOUTH MAHONING	19.0	EQUITABLE GAS CO
8050885	962	3712920743	108	C ACKERMAN #3 C-259 WES-20743	DERRY TWP	14.0	PEOPLES NATURAL GAS
8050944	803	3706322188	108	C C NEAL #2 (C-131) IND-22188	YOUNG TWP	6.0	COLUMBIA GAS TRANSMI
8050889	977	3712920871	108	C E KOHL #1 (C-363) WES-20871	DERRY TWP	14.0	PEOPLES NATURAL GAS
8050890	978	3712920872	108	C E KOHL #2 (C-364) WES-20872	DERRY TWP	14.0	PEOPLES NATURAL GAS
8050854	0770	3706321864	108	C L WARREN #1 (C-35) IND-21864	SOUTH MAHONING TOWNSHIP	10.0	PEOPLES NATURAL GAS
8050855	0773	3706322453	108	CHARLES WOOD #1 (C-186) IND-22453-R	ARMSTRONG TOWNSHIP	53.0	PEOPLES NATURAL GAS
8050856	0774	3706321911	108	CHARLES WOODS #2 (C-50) IND-21911-D	ARMSTRONG TOWNSHIP	53.0	PEOPLES NATURAL GAS
8050857	0775	3706322082	108	CHARLES WOODS #3 (C-107) IND-22082	ARMSTRONG TOWNSHIP	53.0	PEOPLES NATURAL GAS
8050981	318	3706324379	103	D F MCHENRY #4 (C-436) IND-24379	RAUNE TOWNSHIP	25.0	COLUMBIA GAS TRANSMI
8050982	328	3706324362	103	DC LEASURE #3 (182A) (C-429)	WHITE TWP	22.0	COLUMBIA GAS TRANSMI
8050898	1023	3706322998	108	DUNCAN #1 C-291 IND-22998	CONEMAUGH TWP	15.0	T W PHILLIPS GAS & O
8050902	1029	3706321348	108	E G JOHNSON #1 IND-21348	NORTH MAHOMING TWP	10.0	T W PHILLIPS GAS & O
8050880	0944	3706321753	108	E HEBERLING #2 C-24 IND-21753	WASHINGTON TWP	11.0	PEOPLES NATURAL GAS
8050892	980	3712920863	108	E J MCDOWELL #1 (C-357) WES-20863	DERRY TWP	14.0	PEOPLES NATURAL GAS
8050893	981	3712920864	108	E J MCDOWELL #2 (C-358) WES-20864	DERRY TWP	14.0	PEOPLES NATURAL GAS
8050870	0918	3712920728	108	E LIEBEL #1 (C-217) WES-20728	DERRY TWP	21.0	PEOPLES NATURAL GAS
8050871	0919	3712920729	108	E LIEBEL #2 (C-218) WES-20729	DERRY TWP	21.0	PEOPLES NATURAL GAS
8050850	5194	3706322004	108	E M CARNAHAN #3 C-77 IND-22004	ARMSTRONG	11.0	PEOPLES NATURAL GAS
8050877	0941	3706321721	108	EARL BEATTY #2 (C-16) IND 21721	SOUTH MAHONING TWP	11.0	PEOPLES NATURAL GAS
8050879	0943	3706321743	108	ED A & M J HEBERLING #1 C-20	SOUTH MAHONING TWP	11.0	PEOPLES NATURAL GAS
8050987	722	3706323171	108	F E ALLEN #1 C-316 IND-23171	EAST MAHONING TWP	16.0	PEOPLES NATURAL GAS
8050988	723	3706323321	108	F F ALLEN #2 C-355 IND-23321	EAST MAHONING TWP	16.0	PEOPLES NATURAL GAS
8050903	1030	3706321198	108	FRED MUSSER #1 IND-21198	SOUTH MAHONING TWP	45.0	T W PHILLIPS GAS & O

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8050858	0778	3706323327	108		G L MUMAU #1 (C-351) IND-23327	EAST MAHONING TWP	18.0	PEOPLES NATURAL GAS
8050859	0779	3706323328	108		G L MUMAU #2 (C-352) IND-23328	EAST MAHONING TWP	18.0	PEOPLES NATURAL GAS
8050861	1006	3700521525	108		GEORGE T CROOKS #2 C-100 ARM-21525	COWANSHANNOCK	24.0	EQUITABLE GAS CO INC
8050985	374	3706324117	103		H C MCCLURE #2 (C-475) IND-24117	EAST MAHONING TWP	16.0	PEOPLES NATURAL GAS
8050888	976	3712920774	108		H F GARRIGAN #3 (C-293) WES-20774	DERRY TOWNSHIP	14.0	PEOPLES NATURAL GAS
8050995	780	3706323332	108		H WALLACE POLLACK #1 (C-356)	EAST MAHONING TOWNSHIP	18.0	PEOPLES NATURAL GAS
8050881	0945	3706321751	108		HARRY A JEWART #2 (C-21) IND-21751	WASHINGTON TWP	11.0	PEOPLES NATURAL GAS
8050882	0946	3706321752	108		HARRY A JEWART #3 (C-23) IND-21752	WASHINGTON TWP	11.0	PEOPLES NATURAL GAS
8050983	371	3706324139	103		J E HILL #1 (C-490)IND-24139	WHITE TOWNSHIP	16.0	PEOPLES NATURAL GAS
8050943	918	3706323571	108		J R PANTALL #1 (C-338) IND-23571	RAYNE TOWNSHIP	14.0	COLUMBIA GAS TRANSMI
8050942	919	3705323572	108		J R PANTALL #2 (C-339) IND-23572	RAYNE TOWNSHIP	14.0	COLUMBIA GAS TRANSMI
8050875	0929	3712920696	108		J SASSER-(FORM H LENZ) #1 (C-211)	DERRY TOWNSHIP	21.0	PEOPLES NATURAL GAS
8050865	0820	3706323573	108		JOHN PANTALL #3 (C-340) IND-23573	RAYNE TOWNSHIP	14.0	COLUMBIA GAS TRANSMI
8050883	0947	3706321903	108		L C MCMILLEN #3 (C-32) IND-21903	WASHINGTON TWP	11.0	PEOPLES NATURAL GAS
8050884	948	3706322008	108		L C MCMILLEN #4 (C-75) IND-22008	WASHINGTON TWP	11.0	PEOPLES NATURAL GAS
8050958	5195	3712920730	108		M DAB #4 C-220 WES-20730	DERRY TWP	21.0	PEOPLES NATURAL GAS
8050947	789	3706322206	108		M DEVINNEY #3 C-134 IND-22206	ARMSTRONG TWP	7.0	COLUMBIA GAS TRANSMI
8050946	790	3706322203	108		M DEVINNEY #4 C-135 IND-22203	ARMSTRONG TWP	7.0	COLUMBIA GAS TRANSMI
8050989	724	3706322771	108		M L BLACK #1 C-245 IND-22771	EAST MAHONING	16.0	PEOPLES NATURAL GAS
8050866	0925	3712922680	108		M OBRIEN #1 (C-187) WES-22680	DERRY TOWNSHIP	21.0	PEOPLES NATURAL GAS
8050872	0926	3712922681	108		M OBRIEN #2 (C-183) WES-22681	DERRY TWP	21.0	PEOPLES NATURAL GAS
8050873	0927	3712922682	108		M OBRIEN #3 (C-189) WES-22682	DERRY TWP	21.0	PEOPLES NATURAL GAS
8050874	0928	3712920693	108		M OBRIEN #4 (C-210) WES-20693	DERRY TOWNSHIP	21.0	PEOPLES NATURAL GAS
8050894	0983	3712920685	108		N J NAKLES #1 (C-201) WES-20685	DERRY TOWNSHIP	14.0	PEOPLES NATURAL GAS
8050895	984	3712920687	108		N J NAKLES #3 (C-203) WES-20687	DERRY TWP	14.0	PEOPLES NATURAL GAS
8050867	0897	3706322447	108		ORVILLE WATSON #3 (C-177) IND-22447	ARMSTRONG TOWNSHIP	11.0	PEOPLES NATURAL GAS
8050909	4377	3706324519	103		R & P COAL (A W COCHRAN #3) C-520	WHITE TOWNSHIP	70.0	COLUMBIA GAS TRANSMI
8050910	4395	3706324555	103		R & P COAL (D C LEASURE #3) C-530	RAYNE TOWNSHIP	80.0	COLUMBIA GAS TRANSMI
8050905	3941	3706324796	103		R & P COAL (EW EWING) C-604	CENTER TOWNSHIP	70.0	COLUMBIA GAS TRANSMI
8050980	304	3706324109	103		R & P COAL (GA MCCLAIN #4) C-484	CENTER TWP	25.0	COLUMBIA GAS TRANSMI
8050908	4366	3706324762	103		R & P COAL (J SITT #5) C-583	CENTER TOWNSHIP	65.0	COLUMBIA GAS TRANSMI
8050827	0325	3706324376	103	D	R & P COAL D LEASURE #1 (1844)	WHITE TWP	25.0	COLUMBIA GAS TRANSMI
8050990	725	3706322734	108		R D BLACK #1 C-243 IND-22734	EAST MAHONING TWP	16.0	PEOPLES NATURAL GAS
8050991	726	3706322733	108		R D BLACK #2 C-244 IND-22733	EAST MAHONING TWP	16.0	PEOPLES NATURAL GAS
8050950	783	3706322974	108		R KERR #1 (C-162) IND-22974-R	SOUTH MAHONING TWP	8.0	PEOPLES NATURAL GAS
8050949	784	3706322362	108		R KERR #2(C-163) IND-22362	SOUTH MAHONING TWP	8.0	PEOPLES NATURAL GAS
8050959	5196	3706321676	108		R SIMPSON #1 IND-21676-D	EAST MAHONING TOWNSHIP	22.0	APOLLO GAS CO
8050878	0942	3706321704	108		RAYMOND E BENNINGER #1 (C-11)	WASHINGTON	11.0	PEOPLES NATURAL GAS
8050828	0768	3706321400	108		RICHARD F PARK #1 (C-N/A) IND-21400	WASHINGTON TOWNSHIP	2.0	PEOPLES NATURAL GAS
8050876	0930	3712920697	108		T BARNES #1 C-213 WES-20697	DERRY TWP	21.0	PEOPLES NATURAL GAS
8050860	0931	3712920700	108	D	T BARNES #2 C-214 WES-20700	DERRY TWP	21.0	PEOPLES NATURAL GAS
8050993	776	3706323330	108		T H JACKSON #1 (C-353) IND-23330	EAST MAHONING TWP	18.0	PEOPLES NATURAL GAS
8050994	777	3706323331	103		T H JACKSON #2 (C-354) IND-23331	EAST MAHONING TWP	18.0	PEOPLES NATURAL GAS
8050899	1024	3706321672	108		TED EATON #1 C-11 IND21672	CONEMAUGH TWP	22.0	T W PHILLIPS GAS & O
8050897	1017	3706321673	108		TED EATON #2 C-12 IND-21673	CONEMAUGH	0.0	T W-PHILLIPS GAS & O
8050891	979	3712920979	108		TEL CHURCH OF LATROBE #1 (C-362)	DERRY TWP	14.0	PEOPLES NATURAL GAS
8050900	1025	3706321758	108		W A GRAHAM #1 IND-21758	CENTER TWP	40.0	T W PHILLIPS GAS & O
8050901	1026	3706322110	108		W A GRAHAM #2 C-114 IND22110	CENTER TWP	40.0	T W PHILLIPS GAS & O
8050986	721	3706323885	103		W A GRAHAM #3(C-115) IND-23885	CENTER TOWNSHIP	23.0	T W PHILLIPS GAS & O
8050945	802	3706322186	108		W H MARTIN #6 (C-129) IND-22186	YOUNG TWP	6.0	COLUMBIA GAS TRANSMI
8050948	785	3706322430	108		W J MARSHALL #2 (C-172) IND-22430	SOUTH MAHONING TWP	8.0	PEOPLES NATURAL GAS
8050992	734	3706322589	108		W SMITH #1 (C-212) IND-22589	EAST MAHONING TOWNSHIP	16.0	PEOPLES NATURAL GAS

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8050984	372	3706324474	103		W W LEMMON #1 (C-515) IND-24474	GRANT TWP	20.0	PEOPLES NATURAL GAS
8050868	0898	3706321958	108		WILLIAM T WATT #1 (C-57) IND-21958	ARMSTRONG TOWNSHIP	11.0	PEOPLES NATURAL GAS
8050869	899	3706322005	108		WILLIAM T WATT #2 (C-79) IND-22005	ARMSTRONG TOWNSHIP	11.0	PEOPLES NATURAL GAS
-D A DORWARD					RECEIVED: 07/31/80 JA: PA			
8050907	4197	3706521476	108		STRAITIFF-KURTZ 2 (D6-A) O/S 10550	YOUNG TOWNSHIP	15.0	CONSOLIDATED GAS SUP
8050906	4195	3706522147	108		STRAITIFF-KURTZ 3 (D8-A) O/S 10551	YOUNG TOWNSHIP	15.0	CONSOLIDATED GAS SUP
-DELTA RESOURCES INC					RECEIVED: 07/31/80 JA: PA			
8050960	5198	3705921504	103		DONLEY-RABEL NO 1		36.0	INDUSTRIAL ENERGY SE
-E J BRUMAGE					RECEIVED: 07/31/80 JA: PA			
8050831	3699A	3712500000	108		ROBERTS 4545	ROBERTS 4545	5.8	EQUITABLE GAS CO
8050832	3699B	3712500000	108		ROBERTS 4545 (250137)	ROBERTS 4545	5.8	EQUITABLE GAS CO
8050833	3699C	3712500000	108		ROBERTS 4545 (277542)	ROBERTS 4545	5.8	EQUITABLE GAS CO
-FAIRMAN DRILLING CO					RECEIVED: 07/31/80 JA: PA			
8050829	2966	3706520500	108		LON GABRIELSON F-290	ELK RUN	2.0	CONSOLIDATED GAS SUP
-J V SPANKARD					RECEIVED: 07/31/80 JA: PA			
8050914	5166	3706520447	108		HOWARD L HAWK #2		20.0	CONSOLIDATED GAS SUP
-KEYSTONE ENERGY RESOURCES					RECEIVED: 07/31/80 JA: PA			
8050961	5201	3706325191	103		MAHAN #3	JAMES C MAHAN	13.6	COLUMBIA GAS TRANSMI
8050962	5202	3706325192	103		MAHAN #4	JAMES C MAHAN	18.2	COLUMBIA GAS TRANSMI
8050973	5200	3706325127	103		RIGGLE #1	ARTHUR RIGGLE	68.4	BETHLEHEM STEEL CORP
-MID-EAST OIL CO					RECEIVED: 07/31/80 JA: PA			
8050863	2607	3706323463	108		A W DILTS HEIRS #1	PLUMVILLE	13.4	PEOPLES NATURAL GAS
8050805	2717	3706320543	108		A W SHARP #1	ELDERS RIDGE	1.9	PEOPLES NATURAL GAS
8050799	2711	3700520460	108		ALBERT REEFER #1	RURAL VALLEY	5.5	PEOPLES NATURAL GAS
8050792	2704	3706323317	108		BLANCHE PEARCE #1 (23 AC)	PLUMVILLE	4.0	PEOPLES NATURAL GAS
8050793	2705	3706323318	108		BLANCHE PEARCE #1 (44 AC)	PLUMVILLE	18.9	PEOPLES NATURAL GAS
8050964	2608	3706323245	108		BRYAN A DONAHUE #1	MCINTYRE	20.0	PEOPLES NATURAL GAS
8050775	2684	3706320138	108		CHARLES H MILLER LUMBER CO #1	MCINTYRE	17.7	PEOPLES NATURAL GAS
8050797	2709	3706521112	108		CHARLES I POWELL #1	DAYTON	8.0	PEOPLES NATURAL GAS
8050801	2713	3700521864	108		DALE O RUPERT #1	WHITESBURG	14.2	PEOPLES NATURAL GAS
8050794	2706	3700521833	108		DANIEL M PEROTTI #1	RURAL VALLEY	2.5	PEOPLES NATURAL GAS
8050817	2730	3706322661	108		EARL L SIMPSON #1 (55 AC)	MARION CENTER	6.2	PEOPLES NATURAL GAS
8050770	2662	3700520612	108		EARL M LANNING #2	FREEPORT	2.1	PEOPLES NATURAL GAS
8050819	2732	3706323284	108		EARL SIMPSON #1 (65 AC)	MARION CENTER	17.4	PEOPLES NATURAL GAS
8050818	2731	3706322677	108		EARL SIMPSON #2 (55 AC)	MARION CENTER	6.2	PEOPLES NATURAL GAS
8050820	2733	3706323285	108		EARL SIMPSON #2 (65 AC)	MARION CENTER	17.4	PEOPLES NATURAL GAS
8050806	2718	3706520352	108		FRANK M SHEESLEY #1	PUNXSUTAWNEY	11.0	CONSOLIDATED GAS SUP
8050814	2727	3706520721	108		FRANK M SHEESLEY #10	PUNXSUTAWNEY	11.4	CONSOLIDATED GAS SUP
8050807	2719	3706520385	108		FRANK M SHEESLEY #2	PUNXSUTAWNEY	11.0	CONSOLIDATED GAS SUP
8050808	2720	3706520383	108		FRANK M SHEESLEY #3	PUNXSUTAWNEY	11.0	CONSOLIDATED GAS SUP
8050809	2721	3706520414	108		FRANK M SHEESLEY #4	PUNXSUTAWNEY	11.0	CONSOLIDATED GAS SUP
8050811	2723	3706520476	108		FRANK M SHEESLEY #6	PUNXSUTAWNEY	11.0	CONSOLIDATED GAS SUP
8050312	2724	3706520518	108		FRANK M SHEESLEY #7	PUNXSUTAWNEY	11.0	CONSOLIDATED GAS SUP
8050813	2725	3706520545	108		FRANK M SHEESLEY #8	PUNXSUTAWNEY	11.0	CONSOLIDATED GAS SUP
8050810	2722	3706520440	108		FRANK SHEESLEY #5	PUNXSUTAWNEY	11.0	CONSOLIDATED GAS SUP
8050804	2716	3706520489	108		HELEN B SHAFFER #1	PUNXSUTAWNEY	7.7	CONSOLIDATED GAS SUP
8050769	2661	3712920845	108		JAMES F KIDWELL #1	MOUNT PLEASANT	7.1	PEOPLES NATURAL GAS
8050798	2710	3706320401	108		JAY S RALSTON #1	INDIANA	4.9	PEOPLES NATURAL GAS
8050777	2686	3706520567	108		JOHN B MILLIRON #1	PUNXSUTAWNEY	11.0	CONSOLIDATED GAS SUP
8050778	2689	3706322773	108		JOHN R NASER #3	MCINTYRE	9.3	PEOPLES NATURAL GAS
8050826	2742	3712920609	108		JOHN W & VIRGINIA I STOUFFER #1	LATROBE	7.9	PEOPLES NATURAL GAS
8050825	2741	3712920602	108		JOHN W STOUFFER #1 (50 AC)	LATROBE	11.5	PEOPLES NATURAL GAS

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8050776	2685	3706322076	108		JOSEPH MILLER #1	MCINTYRE	22.0	PEOPLES NATURAL GAS
8050763	2610	3706321944	108		KENNETH EMPFIELD #1	INDIANA	15.2	PEOPLES NATURAL GAS
8050768	2657	3706322372	108		KENT/E STEWART #1	MCINTYRE	11.7	COLUMBIA GAS TRANSMI
8050766	2649	3706322220	108		KENT/S MCCREIGHT #1	MCINTYRE	11.7	COLUMBIA GAS TRANSMI
8050767	2650	3706322374	108		KENT/S MCCREIGHT #2	MCINTYRE	11.7	COLUMBIA GAS TRANSMI
8050834	4767	3706321234	108		LARUE WILLIAMS #1	LARUE WILLIAMS	3.0	T W PHILLIPS GAS & O
8050821	2737	3706321802	108		M GLENN SMITH #1	MCINTYRE	2.2	T W PHILLIPS GAS & O
8050803	2715	3706321946	108		MARTIN SERRO #1	MCINTYRE	2.3	PEOPLES NATURAL GAS
8050815	2728	3706520446	108		MARY E SHEESLEY #1	PUNXSUTAWNEY	3.7	CONSOLIDATED GAS SUP
8050816	2729	3706520481	108		MARY SHEESLEY #2	PUNXSUTAWNEY	3.7	CONSOLIDATED GAS SUP
8050764	2612	3706520739	108		MICHAEL FIRMENT #2	PUNXSUTAWNEY	13.7	CONSOLIDATED GAS SUP
8050824	2740	3706320235	108		MORRIS & LOUISE STERN #1 (175 AC)	INDIANA	17.6	PEOPLES NATURAL GAS
8050823	2739	3706322355	108		MORRIS & LOUISE STERN #1 (60 AC)	INDIANA	2.8	PEOPLES NATURAL GAS
8050762	2609	3706521116	108		N D ELKIN #1	DAYTON	8.0	PEOPLES NATURAL GAS
8050772	2664	3706321630	108		NICHOLAS A LASSICK #1 (25 AC)	ELDERS RIDGE	15.6	PEOPLES NATURAL GAS
8050773	2665	3706321557	108		NICHOLAS A LASSICK #1 (71 AC)	MCINTYRE	20.3	PEOPLES NATURAL GAS
8050774	2667	3706321622	108		NICHOLAS A LASSICK #2 (71 AC)	ELDERS RIDGE	5.1	PEOPLES NATURAL GAS
8050800	2712	3700521840	108		ORIAN M REEFER #2	RURAL VALLEY	0.6	PEOPLES NATURAL GAS
8050783	2695	3706321549	108		P N & M COAL COMPANY #1	PUNXSUTAWNEY	9.3	CONSOLIDATED GAS SUP
8050784	2696	3706520305	108		PA GAME LANDS #1 TRACT 195-B	PUNXSUTAWNEY	5.2	CONSOLIDATED GAS SUP
8050785	2697	3706520306	108		PA GAME LANDS #2 TRACT 195-B	PUNXSUTAWNEY	9.0	CONSOLIDATED GAS SUP
8050786	2698	3706520334	108		PA GAME LANDS #3 TRACT 195-B	PUNXSUTAWNEY	6.7	CONSOLIDATED GAS SUP
8050787	2699	3706520347	108		PA GAME LANDS #4 TRACT 195-B	PUNXSUTAWNEY	9.6	CONSOLIDATED GAS SUP
8050788	2700	3706520509	108		PA GAME LANDS #5 TRACT 195-B	PUNXSUTAWNEY	9.0	CONSOLIDATED GAS SUP
8050789	2701	3706520640	108		PA GAME LANDS #6 TRACT 195-B	PUNXSUTAWNEY	6.1	CONSOLIDATED GAS SUP
8050790	2702	3706520734	108		PA GAME LANDS #7 TRACT 195-B	PUNXSUTAWNEY	9.0	CONSOLIDATED GAS SUP
8050791	2703	3706520772	108		PA GAME LANDS #8 TRACT 195-B	PUNXSUTAWNEY	10.5	CONSOLIDATED GAS SUP
8050779	2690	3706322766	108		R B NICHOL #1	MARION CENTER	2.5	PEOPLES NATURAL GAS
8050780	2691	3706322767	108		R B NICHOL #2	MARION CENTER	2.5	PEOPLES NATURAL GAS
8050822	2738	3706321091	108		REED SPENCE #1	ERNEST	6.6	T W PHILLIPS GAS & O
8050802	2714	3706321874	108		RICHARDSON AND RUPERT #1	ROCHESTER MILLS	8.2	T W PHILLIPS GAS & O
8050795	2707	3700520459	108		ROBERT D PERRY #1	RURAL VALLEY	1.0	EQUITABLE GAS CO
8050796	2708	3706520362	108		ROBERT J PETRILLA #1	PUNXSUTAWNEY	10.0	CONSOLIDATED GAS SUP
8050771	2663	3706323635	108		ROBERT W LANTZ ET UX #1	ERNEST	26.7	PEOPLES NATURAL GAS
8050862	2606	3706323525	108		SAMUEL DIBLE #1	MCINTYRE	9.0	PEOPLES NATURAL GAS
8050782	2694	3706521115	108		THE NYE BRANCH COMPANY #1	DAYTON	4.0	PEOPLES NATURAL GAS
8050765	2613	3700520604	108		VANCE E FITZGERALD #1	NORTH VANDERGRIFT	3.1	PEOPLES NATURAL GAS
8050781	2693	3706520423	108		WILBUR H NORTH #1	PUNXSUTAWNEY	5.5	CONSOLIDATED GAS SUP
-NORTHWEST NATURAL GAS CO					RECEIVED: 07/31/80 JA: PA			
8050849	5047	3703920630	103		L MILLER #1	CONNEAUT	40.0	NATIONAL FUEL GAS DI
-RUSSELL K HEATH					RECEIVED: 07/31/80 JA: PA			
8050916	5125	3700300000	108		MCCLURE #2	GLASSPORT-LIBERTY BORO	4.1	PEOPLES NATURAL GAS
8050915	5126	3700300000	108		MCCLURE #3	GLASSPORT-LIBERTY BORO	2.6	PEOPLES NATURAL GAS
8050917	5124	3700300000	108		WEDDELL #1	GLASSPORT-LIBERTY BORO	8.2	PEOPLES NATURAL GAS
-ZENITH EXPLORATION COMPANY					RECEIVED: 07/31/80 JA: PA			
8050936	5032	3705120110	108		OCONNOR-MAUST #1		17.0	COLUMBIA GAS TRANSMI

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TEXAS RAILROAD COMMISSION

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-ALFRED J SMITH					RECEIVED: 07/31/80 JA: TX			
8051066	12353	4217900000	108		G H SAUNDERS NO 2 25878	PANHANDLE EAST	1.0	COLTEXO CORP
8051067	12365	4217900000	108		J B BOWERS NO 3 25322	PANHANDLE WEST	2.0	PHILLIPS PETROLEUM C
8051069	12366	4217900000	108		J B BOWERS NO 4 25323	PANHANDLE WEST	3.0	PHILLIPS PETROLEUM C

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-AMOCO PRODUCTION CO					RECEIVED: 07/31/80 JA: TX			
8051188	14517	4223300000	108		E E WATKINS A R/A B #25	PANHANDLE	4.8	SKELLY OIL CO
8051187	14508	4223300000	108		E E WATKINS A R/A B #5	PANHANDLE	4.8	SKELLY OIL CO
8051184	14278	4221932658	103		MAY-MONTGOMERY UNIT #48	LEVELLAND	1.1	EL PASO NATURAL GAS
-ARCO OIL AND GAS COMPANY					RECEIVED: 07/31/80 JA: TX			
8051185	14289	4223300000	108		E B JOHNSON B #1-A	WEST PANHANDLE	7.8	PHILLIPS PETROLEUM C
8051086	13446	4200300311	108		GOLDSMITH NSA CONSOLIDATED UNIT #5	NORTH GOLDSMITH CONSOLID	1.0	PHILLIPS PETROLEUM C
8051107	13746	4217900000	108		MORSE A #8	PANHANDLE	1.9	PHILLIPS PETROLEUM C
8051189	14578	4213521249	108		TXL B WELL #7	TXL (SAN ANDRES)	2.5	SHELL OIL CO
-BASS ENTERPRISES PRODUCTION CO					RECEIVED: 07/31/80 JA: TX			
8051096	13607	4210332030	102		L D MOSS NO 17	TROPORO N (DEVONIAN)	50.0	PGP GAS PRODUCTS INC
8051096	13607	4210332030	103		L D MOSS NO 17	TROPORO N (DEVONIAN)	50.0	PGP GAS PRODUCTS INC
-CHAPARROSA OIL CO					RECEIVED: 07/31/80 JA: TX			
8051014	11047	4250330898	102		B K JOHNSON #1 74016	EL BANO (SAN MIGUEL)	1.5	LOVACA GATHERING CO
8051014	11047	4250330898	103		B K JOHNSON #1 74016	EL BANO (SAN MIGUEL)	1.5	LOVACA GATHERING CO
8051004	11053	4250730971	102		B K JOHNSON #12 ID #77724	LAGUNA (SAN MIGUEL)	8.7	LOVACA GATHERING CO
8051004	11053	4250730971	103		B K JOHNSON #12 ID #77724	LAGUNA (SAN MIGUEL)	8.7	LOVACA GATHERING CO
8050999	11635	4250731057	102		B K JOHNSON #14	NORTE (OLMOS)	29.9	LOVACA GATHERING CO
8050999	11635	4250731057	103		B K JOHNSON #14	NORTE (OLMOS)	29.9	LOVACA GATHERING CO
8051007	11049	4250730902	102		B K JOHNSON #4 ID 74304	LAGUNA (SAN MIGUEL)	18.5	LOVACA GATHERING CO
8051007	11049	4250730902	103		B K JOHNSON #4 ID 74304	LAGUNA (SAN MIGUEL)	18.5	LOVACA GATHERING CO
8051006	11051	4250730923	102		B K JOHNSON #6 ID #73992	LAGUNA (SAN MIGUEL)	79.0	LOVACA GATHERING CO
8051006	11051	4250730923	103		B K JOHNSON #6 ID #73992	LAGUNA (SAN MIGUEL)	79.0	LOVACA GATHERING CO
8051005	11052	4250730935	102		B K JOHNSON #9 ID #74302	EL BANO (SAN MIGUEL)	3.6	LOVACA GATHERING CO
8051005	11052	4250730935	103		B K JOHNSON #9 ID #74302	EL BANO (SAN MIGUEL)	3.6	LOVACA GATHERING CO
-CORPUS CHRISTI LEASEHOLDS INC					RECEIVED: 07/31/80 JA: TX			
8051194	14873	4200730592	102		STATE TRACT 125 NO 1	BARTELL PASS (F-33 SAND)	0.0	CENTRAL POWER & LIGH
-DISCOVERY OPERATING INC					RECEIVED: 07/31/80 JA: TX			
*8051193	14837	4241330774	103		MURPHY #1	ELDORADO N (CANYON A & C	72.0	ARCO OIL & GAS CO
-EDWIN L COX					RECEIVED: 07/31/80 JA: TX			
8051087	13479	4200730580	102		STATE TRACT 240 #2	BLIND PASS	400.0	FLORIDA GAS TRANSMIS
-ENERGY RESOURCES OIL & GAS CORP					RECEIVED: 07/31/80 JA: TX			
8051152	14120	4240900000	108		J R BEASLEY 04568	TYNAN WEST (FRIO) (4800)	20.0	LO-VACA GATHERING CO
-GARY D TURNER DBA TURNER PROPERTIES					RECEIVED: 07/31/80 JA: TX			
8051186	14360	4208130770	103		TOMMY HENDRY NO 2	JAMESON (STRAWN)	7.3	SUN GAS CO
-GETTY OIL COMPANY					RECEIVED: 07/31/80 JA: TX			
8051196	14990	4207930982	103		XIT UNIT NO 165	LEVELLAND	10.0	CITIES SERVICE CO
-GRAHAM EXPLORATION LTD DRILLING PAR					RECEIVED: 07/31/80 JA: TX			
8051084	13386	4203931347	103		T L SMITH JR ET AL #1	WILDCAT	23.7	
-GULF OIL CORPORATION					RECEIVED: 07/31/80 JA: TX			
8051064	12244	4204130431	103		BAKER UNIT II NO 1	KURTEN (WOODBINE)	6.0	PRODUCERS GAS CO
8051015	12066	4204130428	103		DANSBY UNIT I NO 1	KURTEN (WOODBINE)	100.0	PRODUCERS GAS CO
8051026	12076	4204130077	103		DRB UNIT I NO 1	KURTEN (WOODBINE)	20.0	PRODUCERS GAS CO
8051025	12078	4204130311	103		DRB UNIT III NO 1	KURTEN (WOODBINE)	27.0	PRODUCERS GAS CO
8051027	12083	4204130316	103		DRB UNIT IV NO 1	KURTEN (WOODBINE)	60.0	PRODUCERS GAS CO
8051028	12084	4204130429	103		DUBOSE UNIT I NO 1	KURTEN (WOODBINE)	15.0	PRODUCERS GAS CO
8051029	12085	4204130329	103		ENDLER UNIT I NO 1	KURTEN (WOODBINE)	30.0	PRODUCERS GAS CO
8051022	12074	4204130374	103		FAULKNER UNIT I NO 1	KURTEN (WOODBINE)	60.0	PRODUCERS GAS CO
8051024	12075	4204130076	103		FEATHER CREST UNIT I NO 1	KURTEN (WOODBINE)	30.0	PRODUCERS GAS CO
8051032	12088	4204130401	103		FORSTHOFF UNIT I NO 1	KURTEN (WOODBINE)	30.0	PRODUCERS GAS CO
8051033	12089	4204130416	103		FRENZEL UNIT I NO 1	KURTEN (WOODBINE)	12.0	PRODUCERS GAS CO
8051030	12086	4204130419	103		FRENZEL UNIT II NO 1	KURTEN (WOODBINE)	23.0	PRODUCERS GAS CO

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JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8051031	12087	4204130330	103	FRIDEL UNIT I NO 1	KURTEN (WOODBINE)	5.0	PRODUCERS GAS CO
8051023	12071	4204130373	103	FRIDEL UNIT II NO 1	KURTEN (WOODBINE)	6.0	PRODUCERS GAS CO
8051017	12068	4204130345	103	GARRETT & WILSON UNIT I NO 1	KURTEN (WOODBINE)	9.0	PRODUCERS GAS CO
8051018	12069	4204130356	103	GARRETT & WILSON UNIT II #1	KURTEN (WOODBINE)	0.0	PRODUCERS GAS CO
8051016	12067	4204130378	103	GARRETT UNIT I NO 1	KURTEN (WOODBINE)	12.0	PRODUCERS GAS CO
8051019	12070	4204130411	103	GIBSON UNIT I NO 1	KURTEN (WOODBINE)	10.0	PRODUCERS GAS CO
8051100	13709	4200300000	108	HOLT O B SR ET AL (NCT-B) NO 4	TRIPLE-N (PENN UPPER)	9.5	AMOCO PRODUCTION CO
8051062	12125	4204130319	103	JONES UNIT IV NO 1	KURTEN (WOODBINE)	8.0	PRODUCERS GAS CO
8051021	12073	4204130381	103	JOSEY UNIT I NO 1	KURTEN (WOODBINE)	10.5	PRODUCERS GAS CO
8051020	12072	4204130385	103	JOSEY UNIT II NO 1	KURTEN (WOODBINE)	35.0	PRODUCERS GAS CO
8051039	12097	4204130074	103	LANG UNIT I NO 1	KURTEN (WOODBINE)	4.0	PRODUCERS GAS CO
8051040	12098	4204130399	103	LLOYD LESLIE UNIT I #1	KURTEN (WOODBINE)	30.0	PRODUCERS GAS CO
8051061	12122	4204130314	103	LLOYD UNIT I NO 1	KURTEN (WOODBINE)	50.0	PRODUCERS GAS CO
8051037	12093	4204130451	103	ODOM UNIT II NO 1	KURTEN (WOODBINE)	6.0	PRODUCERS GAS CO
8051058	12119	4204130315	103	ODOM UNIT III NO 1	KURTEN (WOODBINE)	30.0	PRODUCERS GAS CO
8051059	12120	4204130335	103	ODOM UNIT IV NO 1	KURTEN (WOODBINE)	17.0	PRODUCERS GAS CO
8051060	12121	4204130371	103	PLAGENS UNIT I NO 1	KURTEN (WOODBINE)	1.0	PRODUCERS GAS CO
8051034	12090	4204130418	103	POTTS UNIT I NO 1	KURTEN (WOODBINE)	35.0	PRODUCERS GAS CO
8051035	12091	4204130421	103	POTTS UNIT II NO 1	KURTEN (WOODBINE)	8.0	PRODUCERS GAS CO
8051057	12118	4204130400	103	ROSS UNIT I NO 1	KURTEN (WOODBINE)	5.5	PRODUCERS GAS CO
8051036	12092	4204130432	103	ROSS UNIT II NO 1	KURTEN (WOODBINE)	4.0	PRODUCERS GAS CO
8051041	12100	4204130420	103	RUFFINO UNIT I NO 1	KURTEN (WOODBINE)	49.0	PRODUCERS GAS CO
8051056	12116	4204130393	103	SHEALY UNIT I NO 1	KURTEN (WOODBINE)	4.7	PRODUCERS GAS CO
8051055	12115	4204130406	103	SIKORSKI UNIT I NO 1	KURTEN (WOODBINE)	18.0	PRODUCERS GAS CO
8051042	12101	4204130414	103	SIKORSKI UNIT II NO 1	KURTEN (WOODBINE)	16.0	PRODUCERS GAS CO
8051049	12109	4204130310	103	SMITH UNIT I NO 1	KURTEN (WOODBINE)	17.0	PRODUCERS GAS CO
8051044	12103	4204130334	103	SMITH UNIT II NO 1	KURTEN (WOODBINE)	23.0	PRODUCERS GAS CO
8051045	12104	4204130341	103	SMITH UNIT III NO 1	KURTEN (WOODBINE)	6.0	PRODUCERS GAS CO
8051046	12105	4204130359	103	SMITH UNIT IV NO 1	KURTEN (WOODBINE)	2.6	PRODUCERS GAS CO
8051047	12106	4204130380	103	SPARKS UNIT I NO 1	KURTEN (WOODBINE)	0.7	PRODUCERS GAS CO
8051048	12108	4204130338	103	TATUM UNIT II NO 1	KURTEN (WOODBINE)	9.0	PRODUCERS GAS CO
8051043	12107	4204130352	103	TATUM UNIT III NO 1	KURTEN (WOODBINE)	5.0	PRODUCERS GAS CO
8051050	12110	4204130366	103	TATUM UNIT IV NO 1	KURTEN (WOODBINE)	8.0	PRODUCERS GAS CO
8051051	12111	4204130367	103	TATUM UNIT V NO 1	KURTEN (WOODBINE)	9.0	PRODUCERS GAS CO
8051052	12112	4204130434	103	TATUM UNIT VI NO 1	KURTEN (WOODBINE)	5.5	PRODUCERS GAS CO
8051053	12113	4204130391	103	URSO UNIT I NO 1	KURTEN (WOODBINE)	3.2	PRODUCERS GAS CO
8051054	12114	4204130342	103	VAVRA UNIT I NO 1	KURTEN (WOODBINE)	9.0	PRODUCERS GAS CO
8051038	12095	4204130394	103	VEAZEY UNIT I NO 1	KURTEN (WOODBINE)	6.5	PRODUCERS GAS CO
-GUPTON GAS CO				RECEIVED: 07/31/80 JA: TX			
8051079	13301	4235700000	103	JOHNSON #1	COLEEN (MARBLE FALLS)	10.8	LONE STAR GAS CO
-H E BRYAN				RECEIVED: 07/31/80 JA: TX			
8051012	10898	4206531642	103	JORDEN-BROWN NO 1-A	WEST PANHANDLE	70.0	NATURAL GAS PIPELINE
-HOPKINS & TATE				RECEIVED: 07/31/80 JA: TX			
8050996	11932	4240100000	103	C O CHRISTIAN GAS UNIT WELL #1	OAK HILL (COTTON VALLEY)	360.0	HYDROCARBON TRANSFER
-INDEPENDENT EXPLORATION CO				RECEIVED: 07/31/80 JA: TX			
8051002	11226	4236731225	102	BUCKNER #1 79607	BUCKNER (STRAWN)	41.3	JAMES P DUNIGAN INC
8051001	11225	4236731152	102	WHITEHEAD #2 80210	BUCKNER (STRAWN)	107.0	JAMES P DUNIGAN INC
-J M HUBER CORPORATION				RECEIVED: 07/31/80 JA: TX			
8051090	13544	4223330659	103	SOUTH HERRING NO 146	PANHANDLE	51.0	COLORADO INTERSTATE
-JERRY E WYLIE OIL DRILLING COMPANY				RECEIVED: 07/31/80 JA: TX			
8051195	14921	4209330575	103	R G THOMAS NO 1 15207	DUSTER NE (MARBLE FALLS	36.0	LONE STAR GAS CO
-J3 OIL CO INC				RECEIVED: 07/31/80 JA: TX			

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JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8051011	10811	4208930968	102	E J GRACEY #1 ID #77748	ROCK ISLAND N (FRIO 2765	2295.5	LOVACA GATHERING CO
8051011	10811	4208930968	103	E J GRACEY #1 ID #77748	ROCK ISLAND N (FRIO 2765	2295.5	LOVACA GATHERING CO
8051010	10810	4208930967	102	ROBERT LANE #1	ROCK ISLAND (FRIO UPPER)	155.8	LOVACA GATHERING CO
8051010	10810	4208930967	103	ROBERT LANE #1	ROCK ISLAND (FRIO UPPER)	155.8	LOVACA GATHERING CO
-L & B OIL CO INC				RECEIVED: 07/31/80 JA: TX			
8051182	14224	4217531191	102	W D DOBBINS #1	ANGEL CITY	250.0	TEXAS EASTERN TRANSM
-LINGEN EXPLORATION INC				RECEIVED: 07/31/80 JA: TX			
8051108	13834	4232331309	102	WIPFF RANCH #1	LOS CUATROS N (CRETACEOU	365.0	TEXCOL GAS SERVICES
8051108	13834	4232331309	103	WIPFF RANCH #1	LOS CUATROS N (CRETACEOU	365.0	TEXCOL GAS SERVICES
-MCMORAN EXPLORATION CO				RECEIVED: 07/31/80 JA: TX			
8051003	11134	4235531297	102	STATE TRACT 349 WELL NO 2-U	RED FISH BAY (ZONE 15-UP	850.0	UNITED GAS PIPELINE
-MEADCO PROPERTIES				RECEIVED: 07/31/80 JA: TX			
8051000	11546	4223500000	103	#1 SUGG - 13 RRC #07763	TAOS (CANYON)	100.0	
-NAPECO INC				RECEIVED: 07/31/80 JA: TX			
8051085	13435	4221100000	102	D L LOCKE #1 82245	CIRCLE DOT (MORROW UPPER	967.0	NATURAL GAS PIPELINE
-PAUL E CAMERON JR INC				RECEIVED: 07/31/80 JA: TX			
8050998	11726	4248100000	102	F SORREL JR ET AL #1	SPANISH CAMP S (FRIO 475	1.2	NATURAL GAS PIPELINE
8050997	11727	4248100000	102	M SORREL JR ET AL #1	SPANISH CAMP S (FRIO 406	1.5	NATURAL GAS PIPELINE
-PETRO-SEARCH INC				RECEIVED: 07/31/80 JA: TX			
8051109	13839	4217900000	108	MYRT 1-117-00487-1	PANHANDLE	0.7	PHILLIPS PETROLEUM C
8051120	13887	4223300000	108	ONEAL 1-117-02786-1	PANHANDLE	6.2	PHILLIPS PETROLEUM C
8051127	13895	4223300000	108	ONEAL 1-117-02786-10	PANHANDLE	6.2	PHILLIPS PETROLEUM C
8051128	13896	4223300000	108	ONEAL 1-117-02786-12	PANHANDLE	6.2	PHILLIPS PETROLEUM C
8051121	13888	4223300000	108	ONEAL 1-117-02786-2	PANHANDLE	6.2	PHILLIPS PETROLEUM C
8051122	13889	4223300000	108	ONEAL 1-117-02786-3	PANHANDLE	6.2	PHILLIPS PETROLEUM C
8051123	13891	4223300000	108	ONEAL 1-117-02786-5	PANHANDLE	6.2	PHILLIPS PETROLEUM C
8051124	13892	4223300000	108	ONEAL 1-117-02786-7	PANHANDLE	6.2	PHILLIPS PETROLEUM C
8051125	13893	4223300000	108	ONEAL 1-117-02786-8	PANHANDLE	6.2	PHILLIPS PETROLEUM C
8051126	13894	4223300000	108	ONEAL 1-117-02786-9	PANHANDLE	6.2	PHILLIPS PETROLEUM C
8051099	13635	4223300000	108	STINNETT C #3 (1-117-01261-5)	PANHANDLE	3.7	PHILLIPS PETROLEUM C
8051098	13634	4223300000	108	STINNETT C #4 (1-117-01261-5)	PANHANDLE	3.7	PHILLIPS PETROLEUM C
8051097	13626	4223300000	108	STINNETT C #6 (1-117-01261-5)	PANHANDLE	3.7	PHILLIPS PETROLEUM C
8051110	13841	4206500000	108	WARE 1-117-23001-1	WEST PANHANDLE	1.5	GETTY OIL CO
8051139	13923	4223300000	108	WEATHERLY B 1-117-01344-1	PANHANDLE	3.3	PHILLIPS PETROLEUM C
8051144	13928	4223300000	108	WEATHERLY B 1-117-01344-10	PANHANDLE	3.3	PHILLIPS PETROLEUM C
8051145	13929	4223300000	108	WEATHERLY B 1-117-01344-11	PANHANDLE	3.3	PHILLIPS PETROLEUM C
8051140	13924	4223300000	108	WEATHERLY B 1-117-01344-2	PANHANDLE	3.3	PHILLIPS PETROLEUM C
8051141	13925	4223300000	108	WEATHERLY B 1-117-01344-3	PANHANDLE	3.3	PHILLIPS PETROLEUM C
8051142	13926	4223300000	108	WEATHERLY B 1-117-01344-4	PANHANDLE	3.3	PHILLIPS PETROLEUM C
8051143	13927	4223300000	108	WEATHERLY B 1-117-01344-8	PANHANDLE	3.3	PHILLIPS PETROLEUM C
8051129	13912	4223300000	108	WHITT A 1-117-01256-13	PANHANDLE	1.1	PHILLIPS PETROLEUM C
8051130	13913	4223300000	108	WHITT A 1-117-01256-16	PANHANDLE	1.1	PHILLIPS PETROLEUM C
8051131	13915	4223300000	108	WHITT A 1-117-01256-20	PANHANDLE	1.1	PHILLIPS PETROLEUM C
8051132	13916	4223300000	108	WHITT A 1-117-01256-21	PANHANDLE	1.1	PHILLIPS PETROLEUM C
8051133	13917	4223300000	108	WHITT A 1-117-01256-22	PANHANDLE	1.1	PHILLIPS PETROLEUM C
8051134	13918	4223300000	108	WHITT A 1-117-01256-23	PANHANDLE	1.1	PHILLIPS PETROLEUM C
8051135	13919	4223300000	108	WHITT A 1-117-01256-24	PANHANDLE	1.1	PHILLIPS PETROLEUM C
8051136	13920	4223300000	108	WHITT A 1-117-01256-25	PANHANDLE	1.1	PHILLIPS PETROLEUM C
8051137	13921	4223300000	108	WHITT A 1-117-01256-26	PANHANDLE	1.1	PHILLIPS PETROLEUM C
8051138	13922	4223300000	108	WHITT A 1-117-01256-28	PANHANDLE	1.1	PHILLIPS PETROLEUM C
8051146	13931	4223300000	108	WHITT D & E 1-117-01255-D4	PANHANDLE	2.9	PHILLIPS PETROLEUM C
8051147	13933	4223300000	108	WHITT D & E 1-117-01255-D6	PANHANDLE	2.9	PHILLIPS PETROLEUM C

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8051148	13934	4223300000	108		WHITT D & E 1-117-01255-E1	PANHANDLE	2.9	PHILLIPS PETROLEUM C
8051149	13936	4223300000	108		WHITT D & E 1-117-01255-E3	PANHANDLE	2.9	PHILLIPS PETROLEUM C
8051150	13937	4223300000	108		WHITT D & E 1-117-01255-E4	PANHANDLE	2.9	PHILLIPS PETROLEUM C
8051117	13865	4223300000	108		WHITT F 1-117-02667-10	PANHANDLE	1.1	PHILLIPS PETROLEUM C
8051118	13866	4223300000	108		WHITT F 1-117-02667-11	PANHANDLE	1.1	PHILLIPS PETROLEUM C
8051119	13867	4223300000	108		WHITT F 1-117-02667-12	PANHANDLE	1.1	PHILLIPS PETROLEUM C
8051113	13860	4223300000	108		WHITT F 1-117-02667-3	PANHANDLE	1.1	PHILLIPS PETROLEUM C
8051114	13861	4223300000	108		WHITT F 1-117-02667-4	PANHANDLE	1.1	PHILLIPS PETROLEUM C
8051115	13862	4223300000	108		WHITT F 1-117-02667-5	PANHANDLE	1.1	PHILLIPS PETROLEUM C
8051116	13864	4223300000	108		WHITT F 1-117-02667-9	PANHANDLE	1.1	PHILLIPS PETROLEUM C
8051111	13858	4223300000	108		WHITT M #G6 1-117-01257	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8051112	13859	4223300000	108		WHITT M #G7 1-117-01257	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8051151	13946	4223300000	108		WHITT M #H4 1-117-01257	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8051078	13261	4223300000	108		WHITTENBURG L #18 (1-117-01259-9)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8051074	13241	4223300000	108		WHITTENBURG L #25 (1-117-01259-9)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8051075	13242	4223300000	108		WHITTENBURG L #26 (1-117-01259-9)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8051076	13243	4223300000	108		WHITTENBURG L #27 (1-117-01259-9)	PANHANDLE	1.7	PHILLIPS PETROLEUM C
8051077	13244	4223300000	108		WHITTENBURG L #28 (1-117-01259-9)	PANHANDLE	1.7	PHILLIPS PETROLEUM C

-PHILLIPS PETROLEUM COMPANY RECEIVED: 07/31/80 JA: TX

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8051071	13103	4217900000	108		CASTLEBERRY B NO 6	PANHANDLE GRAY	0.4	KERR-MCGEE CORP
8051157	14156	4223300000	108		CHILDERS D M NO 5	PANHANDLE HUTCHINSON	1.4	EL PASO NATURAL GAS
8051158	14158	4206500000	108		COOPER OLIVE NO 5	PANHANDLE CARSON	1.4	GETTY OIL CO
8051159	14159	4223300000	108		ERLING RAY NO 6	PANHANDLE HUTCHINSON	0.1	EL PASO NATURAL GAS
8051161	14162	4217900000	108		FINLEY DOLOMITE NO 19	PANHANDLE GRAY	8.5	COLTEXO CORP
8051160	14161	4217900000	108		FINLEY-DOLOMITE NO 17	PANHANDLE GRAY	0.1	COLTEXO CORP
8051162	14163	4223300000	108		GREENRIVER NO 5	PANHANDLE HUTCHINSON	0.1	EL PASO NATURAL GAS
8051166	14170	4223300000	108		JOHNSON J NO 10	PANHANDLE HUTCHINSON	0.1	EL PASO NATURAL GAS
8051163	14167	4223300000	108		JOHNSON J NO 4	PANHANDLE HUTCHINSON	0.1	EL PASO NATURAL GAS
8051164	14168	4223300000	108		JOHNSON J NO 5	PANHANDLE HUTCHINSON	0.1	EL PASO NATURAL GAS
8051165	14169	4223300000	108		JOHNSON J NO 9	PANHANDLE HUTCHINSON	0.1	EL PASO NATURAL GAS
8051169	14175	4223300000	108		JOHNSON M NO 11	PANHANDLE HUTCHINSON	0.1	EL PASO NATURAL GAS
8051167	14172	4223300000	108		JOHNSON M NO 4	PANHANDLE HUTCHINSON	0.1	EL PASO NATURAL GAS
8051168	14174	4223300000	108		JOHNSON M NO 8	PANHANDLE HUTCHINSON	0.7	EL PASO NATURAL GAS
8051183	14228	4206500000	108		JORDAN D NO 24	PANHANDLE CARSON	0.4	GETTY OIL CO
8051170	14177	4206500000	108		JORDAN D NO 38	PANHANDLE CARSON	5.0	GETTY OIL CO
8051070	13078	4223300000	108		JORDAN D NO 8	PANHANDLE HUTCHINSON	0.4	GETTY OIL CO
8051171	14178	4223300000	108		LUCA NO 3	PANHANDLE HUTCHINSON	0.1	EL PASO NATURAL GAS
8051172	14179	4223300000	108		NEIL J R NO 4	PANHANDLE HUTCHINSON	0.1	EL PASO NATURAL GAS
8051072	13137	4217900000	108		PHIL-PAMPA UNIT #3-05	PANHANDLE GRAY	13.0	GETTY OIL CO
8051173	14183	4217900000	108		PHIL-PAMPA UNIT 13-06	PANHANDLE GRAY	8.2	GETTY OIL CO
8051174	14186	4223300000	108		PRITCHARD J E NO 4	PANHANDLE HUTCHINSON	0.1	EL PASO NATURAL GAS
8051175	14187	4223300000	108		RANCH C NO 1	PANHANDLE HUTCHINSON	0.5	EL PASO NATURAL GAS
8051177	14189	4223300000	108		RANCH C NO 10	PANHANDLE HUTCHINSON	0.5	EL PASO NATURAL GAS
8051154	14134	4223300000	108		RANCH C NO 12	PANHANDLE HUTCHINSON	0.5	EL PASO NATURAL GAS
8051153	14133	4223300000	108		RANCH C NO 3	PANHANDLE HUTCHINSON	0.5	EL PASO NATURAL GAS
8051176	14188	4223300000	108		RANCH C NO 9	PANHANDLE HUTCHINSON	0.5	EL PASO NATURAL GAS
8051155	14135	4223300000	108		RANCH E NO 2	PANHANDLE HUTCHINSON	0.2	EL PASO NATURAL GAS
8051178	14190	4223300000	108		RANCH E NO 7	PANHANDLE HUTCHINSON	0.2	EL PASO NATURAL GAS
8051179	14191	4223300000	108		RANCH E NO 9	PANHANDLE HUTCHINSON	1.2	EL PASO NATURAL GAS
8051180	14195	4223300000	108		STEVENS R NO 2	PANHANDLE HUTCHINSON	0.2	EL PASO NATURAL GAS
8051181	14212	4223300000	108		WHITTENBURG NO 90	PANHANDLE HUTCHINSON	0.2	GETTY OIL CO
8051156	14153	4223300000	108		WHITTENBURG 62 NO 2	PANHANDLE HUTCHINSON	8.0	EL PASO NATURAL GAS

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                                                                                        VOLUME  267            PAGE  011
 JD NO     JA DKT          API NO     SEC D WELL NAME                          FIELD NAME                 PROD    PURCHASER
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-POST PETROLEUM COMPANY INC              RECEIVED:  07/31/80  JA: TX
 8051192    14655          4221130951 103   MEEK #1-101                        ACHILLES (TONKAWA)           85.5 PALO DURA PIPELINE C
 8051191    14654          4221130723 103   MEEK #1-60-T                       ACHILLES (TONKAWA)           11.5 PALO DURA PIPELINE C
 8051190    14653          4221130723 103   MEEK 1-60-C                        ACHILLES (DOUGLAS)           11.5 PALO DURA PIPELINE C
-SANCHEZ-OBRIEN MINERALS CORP            RECEIVED:  07/31/80  JA: TX
 8051106    13740          4250531054 102   CARILLO-PENA UNIT NO 1 45-505-31054 BLANCAS CREEK (8350)       500.0 TRANSCONTINENTAL GAS
 8051069    12876          4247932038 102   MAYERS GAS UNIT NO 1               WILDCAT                     500.0 TRANSCONTINENTAL GAS
 8051095    13578          4235531401 102   NORRIS GAS UNIT NO 1               BOBBY LYNN KING (VXBG 83    500.0 UNITED TEXAS TRANSMI
-SANCHEZ-OBRIEN OIL & GAS CORP           RECEIVED:  07/31/80  JA: TX
 8051073    13222          4235531349 102   BILLY WRIGHT ET AL API NO-42 355   BOBBY LYNN KING (6900) P      0.0 UNITED TEXAS TRANSMI
 8051093    13576          4213132925 102   ESTELLA GARCIA ET AL WELL NO 1     SAN DIEGO SW                500.0 UNITED GAS PIPELINE
 8051083    13323          4229731866 102   GEFFERT GAS UNIT NO 1              GEORGE WEST WSW (8400) F    500.0 TEXAS EASTERN TRANSM
 8051092    13575          4213133361 102   GENARO GARCIA NO 1 API-42-131-33361 SAN DIEGO SW               500.0 UNITED GAS PIPELINE
 8051094    13577          4213133359 102   HERMILO SALINAS JR WELL NO 1       SAN DIEGO SW                500.0 UNITED GAS PIPELINE
-SHELL OIL CO                            RECEIVED:  07/31/80  JA: TX
 8051081    13319          4242731169 103   G E NEBLETT ET AL GAS UNIT NO 3    LA COPITA (VICKSBURG Z)      18.0 TENNESSEE GAS PIPE L
*8051082    13320          4208930996 103   SHERIDAN GAS UNIT WELL NO 79       SHERIDAN (WILCOX)            18.0 NATIONAL FUEL GAS SU
-SOVEREIGN EXPLORATION CO                RECEIVED:  07/31/80  JA: TX
 8051063    12227          4202530953 103   SOVEREIGN #1 ELLA MAY              BLANCONIA                    45.0 UNITED GAS PIPELINE
 8051065    12251          4246931419 103   SOVEREIGN #1 GISLER A              EBEN HABEN                  150.0 LOVACA GAS GATHERING
-TAURUS OIL CORP                         RECEIVED:  07/31/80  JA: TX
 8051013    10957          4214330405 103   FOSS #2                            MORGAN MILL (MARBLE FALL     42.0
-TRINITY OIL & GAS CORP                  RECEIVED:  07/31/80  JA: TX
 8051008    10697          4213100000 108   GRIST A-1 RRC 13342                FOSTER (MARBLE FALLS)        15.0 ODESSA NATURAL CORP
 8051009    10698          4213100000 108   MASSMANN #1 RRC 13411              FOSTER (MARBLE FALLS)        12.0 ODESSA NATURAL CORP
-WARREN PETR CO A DIV OF GULF OIL CO     RECEIVED:  07/31/80  JA: TX
 8051088    13482          4210300000 108   J B TUBB B TR B NO 13              SAND HILLS (TUBB)             1.0 EL PASO NATURAL GAS
 8051089    13484          4210300000 108   J B TUBB B TR B NO 21              SAND HILLS (TUBB)             1.0 EL PASO NATURAL GAS
 8051080    13303          4210300000 108   J B TUBB ET AL TR A#12-J           SAND HILLS JUDKINS            2.0 EL PASO NATURAL GAS
 8051091    13562          4210300000 108   J B TUBB ET AL TR C NO 7-T         SAND HILLS (TUBB)             3.0 EL PASO NATURAL GAS
 8051104    13715          4210331195 108   STATE KK NO 16                     DUNE                          5.0 EL PASO NATURAL GAS
 8051105    13716          4210331196 108   STATE KK NO 17                     DUNE                          8.0 EL PASO NATURAL GAS
 8051101    13712          4210300000 108   STATE KK NO 2                      DUNE                          5.0 EL PASO NATURAL GAS
 8051102    13713          4210300000 108   STATE KK NO 7                      DUNE                          1.0 EL PASO NATURAL GAS
 8051103    13714          4210300000 108   STATE KK NO 8                      DUNE                          7.0 EL PASO NATURAL GAS
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   WEST VIRGINIA DEPARTMENT OF MINES
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-ALLERTON MILLER                         RECEIVED:  07/31/80  JA: WV
 8050665                   4709721086 108   ABBIE HOLLAND #1 M-384             MEADE DISTRICT                3.1 EQUITABLE GAS CO
 8050670                   4709721331 108   ABBIE HOLLAND #2 M-401             MEADE DISTRICT                5.4 EQUITABLE GAS CO
 8050651                   4709720861 108   ADA CUTRIGHT #1 M-343              BUCKHANNON DISTRICT           2.1 COLUMBIA GAS TRANSMI
 8050640                   4709721040 108   CARL F SIMONS #1 M-378             BANKS DISTRICT                9.0 COLUMBIA GAS TRANSMI
 8050649                   4709720837 108   CLARENCE HAWKINS #1 M-338          BUCKHANNON DISTRICT           2.9 COLUMBIA GAS TRANSMI
 8050633                   4709721309 108   CLARK ALLMAN #1 M-399              BANKS DISTRICT                6.5 COLUMBIA GAS TRANSMI
 8050639                   4709721105 108   CLAUDIE HINKLE #1 M-386            BUCKHANNON DISTRICT           6.1 COLUMBIA GAS TRANSMI
 8050637                   4709721148 108   CLAUDIE HINKLE #2 M-391            BUCKHANNON DISTRICT           6.1 COLUMBIA GAS TRANSMI
 8050643                   4709720934 108   COSBY POTTS #1 M-357               BANKS DISTRICT                4.1 COLUMBIA GAS TRANSMI
 8050667                   4703320396 108   EDNA MARPLE #1 M-354               ELK DISTRICT                 13.6 EQUITABLE GAS CO
 8050664                   4709721300 108   ELLES TENNEY #1 M-398              WASHINGTON DISTRICT           4.6 COLUMBIA GAS TRANSMI
 8050635                   4709721294 108   EMORY SINES #1 M-396               BANKS DISTRICT                5.1 COLUMBIA GAS TRANSMI

 8050641                   4709721029 108   GILMORE & MILES #1 M-372           BANKS DISTRICT                3.1 COLUMBIA GAS TRANSMI
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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8050668		4709701033	108		GOFF WILSON #1 M-374	BANKS DISTRICT	6.6	COLUMBIA GAS TRANSMI
8050634		4709721295	108		GORE CORP #2 M-397	WASHINGTON DISTRICT	5.6	COLUMBIA GAS TRANSMI
8050666		4709721091	108		H S BURNER #3 M-381	BUCKHANNON DISTRICT	6.7	EQUITABLE GAS CO
8050662		4704101270	108		JEROME KRONGOLD #3 M-333	SKIN CREEK DISTRICT	17.1	COLUMBIA GAS TRANSMI
8050630		4709721344	108		LUCY TENNEY #1 M-402	WASHINGTON DISTRICT	11.7	COLUMBIA GAS TRANSMI
8050632		4709721338	108		LULA REED #1 M-400	WASHINGTON DISTRICT	2.1	COLUMBIA GAS TRANSMI
8050648		4709720851	108		MILDRED POTTER #1 M-339	MEADE DISTRICT	6.3	COLUMBIA GAS TRANSMI
8050671		4709700651	108		MINNIE MARLEY #1 M-308	BANKS DISTRICT	9.6	COLUMBIA GAS TRANSMI
8050636		4709721231	108		NELL G PHILLIPS #1 M-392	BANKS DISTRICT	1.3	COLUMBIA GAS TRANSMI
8050638		4709721115	108		ROSA SHACKLEFORD #2 M-387	BUCKHANNON DISTRICT	6.9	COLUMBIA GAS TRANSMI
8050650		4709720868	108		RUSSELL LANE #1 M-344	BANKS DISTRICT	2.9	COLUMBIA GAS TRANSMI
8050669		4709721207	108		SAMUEL CUTRIGHT #2 M-390	MEADE DISTRICT	2.1	EQUITABLE GAS CO
8050645		4709720883	108		T L STOCKERT #1 M-349	MEADE DISTRICT	3.0	COLUMBIA GAS TRANSMI
8050663		4709721379	108		VICTOR TENNEY #1 M-405	WASHINGTON DISTRICT	8.2	COLUMBIA GAS TRANSMI
8050631		4709721387	108		VICTOR TENNEY #2 M-407	WASHINGTON DISTRICT	8.6	COLUMBIA GAS TRANSMI
8050647		4709720856	108		W D GOULD #1 M-341	MEADE DISTRICT	3.5	COLUMBIA GAS TRANSMI
8050642		4709720979	108		W T BUCHANAN #1 M-365	MEADE DISTRICT	2.2	COLUMBIA GAS TRANSMI
8050644		4709720896	108		WILLIAM W WARNER #1 M-353	WARREN DISTRICT	6.4	COLUMBIA GAS TRANSMI
-BRANNON GAS CO					RECEIVED: 07/31/80 JA: WV			
8050626		4701301828	108		BRANNON GAS COMPANY #1	WASHINGTON DISTRICT	1.3	CONSOLIDATED GAS SUP
-BURDETTE OIL & GAS CO INC					RECEIVED: 07/31/80 JA: WV			
8050646		4703501491	102		DORIS HARPOLD WELL #1	WASHINGTON DISTRICT	0.0	
-CARL E WALTERS ETAL					RECEIVED: 07/31/80 JA: WV			
8050710		4709500917	108		H J INGHRAM	STRINGTOWN	2.0	PENNZOIL CO
8050711		4709500818	108		JAMES GRAY NO 1	STRINGTOWN	7.0	PENNZOIL CO
8050703		4709500819	108		JAMES GRAY NO 3	STRINGTOWN	1.2	PENNZOIL CO
-COLUMBIA GAS TRANSMISSION CORP					RECEIVED: 07/31/80 JA: WV			
8050727		4708100057	108		COL RIV MIN NO 2 (805726)		7.6	COLUMBIA GAS TRANSMI
8050726		4704301052	108		R H ADKINS 806937		7.6	COLUMBIA GAS TRANSMI
-COVE GAS CO					RECEIVED: 07/31/80 JA: WV			
8050715		4704302465	108		COVE GAS COMPANY #1	LINCOLN COUNTY (HAMLIN)	7.2	COLUMBIA GAS TRANSMI
-E W MCNULTY					RECEIVED: 07/31/80 JA: WV			
8050622		4708523066	108		T 16 WELL	GRANT	0.0	CONSOLIDATED GAS SUP
-EAGLE GAS CO					RECEIVED: 07/31/80 JA: WV			
8050677		4704900204	108		A C HILDRETH WELL NO T	MANNINGTON DISTRICT	0.0	LUMBERPORT-SHINNSTON
8050690		4703302307	108		AUGUSTUS MAULSBY WELL NO 65	EAGLE DISTRICT	3.0	LUMBERPORT-SHINNSTON
8050699		4703302411	108		B&O WELL WELL NO 40	EAGLE DISTRICT	1.0	LUMBERPORT-SHINNSTON
8050689		4703302305	108		BULL MOOSE #1 WELL NO V-1	CLAY DISTRICT	0.0	LUMBERPORT-SHINNSTON
8050707		4703302415	108		BULL MOOSE #2 WELL NO V-2	CLAY DISTRICT	0.0	LUMBERPORT-SHINNSTON
8050694		4703302302	108		C A ASHCRAFT WELL #13	EAGLE DISTRICT	11.0	LUMBERPORT-SHINNSTON
8050712		4703302406	108		C L GRIFFIN WELL NO 49	EAGLE DISTRICT	0.0	LUMBERPORT-SHINNSTON
8050652		4703302300	108		CARALINE MATTHEWS WELL #9	EAGLE DISTRICT	0.0	LUMBERPORT-SHINNSTON
8050713		4703302405	108		COLTRANE JUNCTION WELL #56	CLAY DISTRICT	19.0	LUMBERPORT-SHINNSTON
8050660		4703302297	108		D A HARDESTY #1 WELL #20	EAGLE DISTRICT	0.0	LUMBERPORT-SHINNSTON
8050656		4703302293	108		F G DENHAM #1	EAGLE DISTRICT	3.0	LUMBERPORT-SHINNSTON
8050696		4703302403	108		E M HESS WELL NO 52	EAGLE DISTRICT	11.0	LUMBERPORT-SHINNSTON
8050657		4703302292	108		E R FORTNEY WELL #4	EAGLE DISTRICT	3.0	LUMBERPORT-SHINNSTON
8050714		4703302407	108		GEORGE DRAIN WELL #33	EAGLE DISTRICT	1.0	LUMBERPORT-SHINNSTON
8050706		4703320206	108		GRANT MINNIX WELL NO P	EAGLE DISTRICT	19.0	LUMBERPORT-SHINNSTON
8050695		4703302404	108		GUY HARBERT #4 - WELL NO F-1	EAGLE DISTRICT	4.0	LUMBERPORT-SHINNSTON
8050702		4703302414	108		GUY HARBERT NO 2 WELL NO F	EAGLE DISTRICT	0.0	LUMBERPORT-SHINNSTON
8050697		4703302408	108		H A HARBERT #1 WELL #38	EAGLE DISTRICT	3.0	LUMBERPORT-SHINNSTON
8050691		4703302308	108		H H MITTONG WELL #8	EAGLE DISTRICT	5.0	LUMBERPORT-SHINNSTON

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8050701		4703302413	108		IDA M FERRON WELL #66	EAGLE DISTRICT	0.0	LUMBERPORT-SHINNSTON
8050685		4703302311	108		J B STROTHER WELL NO XX	SARDIS DISTRICT	0.1	LUMBERPORT-SHINNSTON
8050700		4703302412	108		J J KEIMS WELL WELL NO 0	CLAY DISTRICT	4.0	LUMBERPORT-SHINNSTON
8050681		4703302417	108		J L HARDESTY #2 WELL #30	EAGLE DISTRICT	7.0	LUMBERPORT-SHINNSTON
8050682		4703302418	108		J M HARDESTY #1 WELL #29	EAGLE DISTRICT	4.0	LUMBERPORT-SHINNSTON
8050673		4703302315	108		J N HUBER #2 WELL Y-2	SARDIS DISTRICT	0.0	LUMBERPORT-SHINNSTON
8050687		4703302313	108		J N HUBER #3	SARDIS DISTRICT	0.0	LUMBERPORT-SHINNSTON
8050686		4703302312	108		J N HUBER #4 WELL Y-4	SARDIS DISTRICT	0.0	LUMBERPORT-SHINNSTON
8050678		4703302314	108		J N HUBER #5 WELL NO Y-5	SARDIS DISTRICT	0.0	LUMBERPORT-SHINNSTON
8050693		4703302299	108		J N JONES WELL #8	EAGLE DISTRICT	2.0	LUMBERPORT-SHINNSTON
8050653		4703302301	108		J T HARBERT #2 WELL #11	EAGLE DISTRICT	6.0	LUMBERPORT-SHINNSTON
8050659		4703302296	108		JAMES A ROBINSON WELL #22	EAGLE DISTRICT	4.0	LUMBERPORT-SHINNSTON
8050675		4703302316	108		JESSE HAGGARTY WELL NO Z	SARDIS DISTRICT	0.0	LUMBERPORT-SHINNSTON
8050658		4703302295	108		JOHN F LANHAM WELL #23	EAGLE DISTRICT	12.0	LUMBERPORT-SHINNSTON
8050680		4703302310	108		L C HARBERT #72	CLAY DISTRICT	0.0	LUMBERPORT-SHINNSTON
8050655		4703302294	108		LAFFYETTE SWIGER WELL #24	EAGLE DISTRICT	3.0	LUMBERPORT-SHINNSTON
8050683		4703302419	108		LAZZELL RICHARDSON WELL NO 28	EAGLE DISTRICT	18.0	LUMBERPORT-SHINNSTON
8050674		4704900661	108		LEWIS MCINTYRE WELL NO 75	GRANT DISTRICT	0.0	LUMBERPORT-SHINNSTON
8050684		4703302420	108		MARY I SMITH WELL NO R	SIMPSON DISTRICT	0.0	LUMBERPORT-SHINNSTON
8050708		4703302416	108		NORA J ALLEN WELL NC X	SARDIS DISTRICT	0.2	LUMBERPORT-SHINNSTON
8050679		4703302402	108		OVERHOLT #2 WELL #C-1	EAGLE DISTRICT	9.0	LUMBERPORT-SHINNSTON
8050698		4703302410	108		P C OGDEN WELL NO 43	CLAY DISTRICT	14.0	LUMBERPORT-SHINNSTON
8050654		4703302298	108		P W COFFMAN WELL #7		6.0	LUMBERPORT-SHINNSTON
8050692		4703302309	108		U G GRIFFIN WELL #74	EAGLE DISTRICT	5.0	LUMBERPORT-SHINNSTON
8050676		4703302421	108		VIRGINIA HEFLIN WELL #S	CLAY DISTRICT	1.0	LUMBEPORT-SHINNSTON
8050688		4703302303	108		W E FLOWERS #1 WELL #14	EAGLE DISTRICT	10.0	LUMBERPORT-SHINNSTON
-EDWIN C MEREDITH					RECEIVED: 07/31/80 JA: WV			
8050623		4708500003	108		L B SCOTT #1	LAMBS RUN	5.1	CONSOLIDATED GAS SUP
-HORNOR INVESTMENT CO					RECEIVED: 07/31/80 JA: WV			
8050709		4703302280	108		G C STROTHER #1	SARDIS	2.0	EAGLE GAS CO
-F F MCINTOSH ST ESTATE					RECEIVED: 07/31/80 JA: WV			
8050625		4701300152	108		S A HAYS #1	LEE DISTRICT	5.0	CONSOLIDATED GAS SUP
-J L TRITTIPO INC					RECEIVED: 07/31/80 JA: WV			
8050672		4709701364	108		ORMAL H SHREVE UPS-1364	MIDDLE FORK RIVER - SAGC	0.0	COLUMBIA GAS TRANSMI
-L & M OPERATING INC					RECEIVED: 07/31/80 JA: WV			
8050627		4707300788	103		GEORGE BILLS #1	JEFFERSON DISTRICT	18.0	CONSOLIDATED GAS SUP
-LOCK 3 OIL COAL & DOCK COMPANY					RECEIVED: 07/31/80 JA: WV			
8050723		4700100515	108		CHAPMAN #2	ELK CREEK - OVERFIELD	13.9	CONSOLIDATED GAS SUP
8050724		4700100543	108		GALL-GREEN #1	ELK CREEK - OVERFIELD	1.7	CONSOLIDATED GAS SUP
8050718		4700100567	108		GALL-GREEN #2	ELK CREEK - OVERFIELD	9.0	CONSOLIDATED GAS SUP
8050722		4700100323	108		MARTIN CONLEY #1	ELK CREEK - OVERFIELD	11.2	COLUMBIA GAS TRANSMI
8050720		4700100336	108		MARTIN CONLEY #2	ELK CREEK - OVERFIELD	10.3	COLUMBIA GAS TRANSMI
8050721		4700100342	108		MARTIN CONLEY #3	ELK CREEK - OVERFIELD	10.3	COLUMBIA GAS TRANSMI
8050719		4700100362	108		MARTIN CONLEY #4	ELK CREEK - OVERFIELD	11.2	COLUMBIA GAS TRANSMI
-NINE MILE OIL & GAS CO					RECEIVED: 07/31/80 JA: WV			
8050716		4704302464	108		NINE MILE OIL & GAS COMPANY #1	LINCOLN COUNTY (HAMLIN)	7.3	COLUMBIA GAS TRANSMI
-P & S OIL AND GAS CORPORATION					RECEIVED: 07/31/80 JA: WV			
8050621		4703901915	108		A BOYD PRITCHARD #4	KELLY CREEK DIST	4.9	INDUSTRIAL GAS CORP
8050705		4700500827	108		A S HATFIELD #1	MADISON	9.8	CONSOLIDATED GAS SUP
-P L GAINER AGENT					RECEIVED: 07/31/80 JA: WV			
8050661		4701301926	108		ROWANDS NO 1	LEE DISTRICT	0.1	CABOT CORP
-PENNZOIL COMPANY					RECEIVED: 07/31/80 JA: WV			

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JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8050628		4701303138	108	A P POLING #1	SHERMAN	3.5	CONSOLIDATED GAS SUP
-PERKINS OIL & GAS INC				RECEIVED: 07/31/80 JA: WV			
8050704		4708504576	108	FLANAGAN HEIRS #2433	GREENWOOD FIELD	0.0	EQUITABLE GAS CO
-PETRO-LEWIS CORPORATION				RECEIVED: 07/31/80 JA: WV			
8050725		4708300148	108	FRAZEE LUMBER #3	ROARING CREEK DISTRICT	1.0	COLUMBIA GAS TRANSMI
-PHILIP LEMON AGENT				RECEIVED: 07/31/80 JA: WV			
8050620		4708501501	108	J G PATTON WELL NO 2	UNION	2.0	CONSOLIDATED GAS SUP
8050735		4708501971	108	J G PATTON WELL NO 3 55-6030291	UNION DISTRICT	2.0	CONSOLIDATED GAS SUP
-QUAKER STATE OIL REFINING CORP				RECEIVED: 07/31/80 JA: WV			
8050728		4709500812	108	A E DOAK #1	CENTERVILLE DISTRICT	20.8	PENNZOIL CO
8050734		4701702777	108	BEN SMITH 61273-1	WEST UNION DISTRICT	4.8	EQUITABLE GAS CO
8050730		4701702776	108	F N WILLIAMS	GRANT DISTRICT	2.3	PENNZOIL CO
8050731		4701702775	108	LEWIS MAXWELL HEIRS	WEST UNION DISTRICT	7.3	PENNZOIL CO
8050729		4701702778	108	MV UNDERWOOD #1	GRANT DISTRICT	2.0	PENNZOIL CO
8050733		4701702773	108	SILAS SPENCER #1	WEST UNION DISTRICT	1.4	PENNZOIL CO
8050732		4701702774	108	WM F SMITH #2	WEST UNION DISTRICT	2.4	PENNZOIL CO
-RIDDLE & FLANAGAN				RECEIVED: 07/31/80 JA: WV			
8050624		4708504666	108	FAIRGROUND #2	FAIRGROUND WELL #2	0.0	
-THE MUTUAL OIL & GAS COMPANY				RECEIVED: 07/31/80 JA: WV			
8050717		4708720787	108	CECIL MCCUNE	RUSH RUN	2.2	COLUMBIA GAS TRANSMI
-W H MOSSOR				RECEIVED: 07/31/80 JA: WV			
8050629		4708522048	108	MEREDITH #1	BERTHA MEREDITH	9.0	CONSOLIDATED GAS SUP

OTHER PURCHASERS

8050741	CHASE GATHERING SYSTEMS INC
8050742	CHASE GATHERING SYSTEM INC
8050743	CHASE GATHERING SYSTEM INC
8050744	CHASE GATHERING SYSTEM INC
8050745	CHASE GATHERING SYSTEM INC
8050746	CHASE GATHERING SYSTEM INC
8051652	HOUSTON P L CO
8051193	GETTY OIL CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf).

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before October 2, 1980.

Please reference the FERC Control Number (JD NO) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28430 Filed 9-16-80; 8:45 am]

BILLING CODE 6450-85-M

[Volume 268]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued September 3, 1980.

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 JD NO     JA DKT         API NO     SEC D WELL NAME                           FIELD NAME                   PRCD  PURCHASER
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********************************************************************************************
   CALIFORNIA DEPARTMENT OF CONSERVATION
********************************************************************************************
-NATURAL GAS CORPORATION OF CALIF        RECEIVED:  08/04/80  JA: CA
 8051382   80-6-0006      0401320156 102   WESTERN-ENOS-NUNN NO 1              SOUTH OAKLEY (EAST BRENT   1450.0 PACIFIC GAS AND ELEC
 8051381   80-6-0007      0401320157 102   WESTERN-MURPHY-ET AL-NC 1           KNIGHTSEN                   240.0 PACIFIC GAS AND ELEC
-WESTERN CONTINENTAL OPERATING CO        RECEIVED:  08/04/80  JA: CA
 8051383   80-6-0008      0401320153 102   NGC-NUNN #1                         SOUTH OAKLEY (EAST BRENT   1825.0 PACIFIC GAS & ELECTR
********************************************************************************************
   LOUISIANA OFFICE OF CONSERVATION
********************************************************************************************
-ALLIANCE EXPLORATION CORPORATION        RECEIVED:  08/04/80  JA: LA
 8051556   80-2985        1705721646 102   ALLIANCE EXPLORATION CORPORATION #1 ROUSSEAU                   1500.0 TRANSCONTINENTAL GAS
-AMERADA HESS CORPORATION                RECEIVED:  08/04/80  JA: LA
 8051547   80-2874        1705721653 102   11300 SD R A SUC GHEENS #99         BAYOU DES ALLEMANDS         566.0 TRANSCONTINENTAL GAS
-APOLLO PETROLEUM CORP                   RECEIVED:  08/04/80  JA: LA
 8051514   80-2793        1702120574 103   VUA J F BENNETT NO 1                MOUNT PLEASANT               54.0 LOUISIANA INTRASTATE
-ARKLA EXPLORATION COMPANY               RECEIVED:  08/04/80  JA: LA
 8051555   80-2984        1711920227 102   GRAY RB SUE BRICKER #1              COTTON VALLEY               400.0 ARKANSAS LOUISIANA G
-BASS ENTERPRISES PRODUCTION CO          RECEIVED:  08/04/80  JA: LA
 8051462   80-2875        1706120211 102   CV DAVIS RB SUF P B DREWETT A NO 1  MIDDLEFORK                   91.0 UNITED GAS PIPE LINE
-BRAMMER ENGINEERING INC                 RECEIVED:  08/04/80  JA: LA
 8051518   80-2887        1702720628 103   DOSS BAKER #2                       ATHENS                        0.0 ARKANSAS LOUISIANA G
-CEKA GAS CORP                           RECEIVED:  08/04/80  JA: LA
 8051506   80-2783        1711121934 108   HSC NO 10                           ARKADELPHIA AND MONROE G      5.5 INTERNATIONAL MINERA
 8051505   80-2782        1711121930 108   HSC NO 8                            MONROE GAS AND ARKADELPH      3.4 INTERNATIONAL MINERA
 8051504   80-2781        1711121930 108   HUMBLE ARCO NO 8                    MONROE                        5.4 INTERNATIONAL MINERA
 8051507   80-2784        1797321219 108   HUMBLE ARCO NO 9                    MONROE GAS                    5.5 INTERNATIONAL MINERA
-CITIES SERVICE COMPANY                  RECEIVED:  08/04/80  JA: LA
 8051552   80-2997        1702720582 102   PET RA SUPP GIBSON C #1             PANTHER CREEK PETTET         41.0
-COTTON PETROLEUM CORPORATION            RECEIVED:  08/04/80  JA: LA
 8051537   80-2981        1701920835 102   A C BEARD NO 1                      GILLIS ENGLISH BAYOU        250.0 UNITED GAS PIPE LINE
-CUSTER K PRIMOS                         RECEIVED:  08/04/80  JA: LA
 8051457   80-2890        1707321349 103   LIEBER ESTATE NO 1                  MONROE                        2.4 MID LOUISIANA GAS CO
-ERGON INC                               RECEIVED:  08/04/80  JA: LA
 8051513   80-2790        1711122279 103   EMMETT JOHNSON NO 1                 MONROE (6824)                 8.7 TEXAS GAS TRANSMISSI
 8051512   80-2789        1711122304 103   JOE C MILLER NO 4                   MONROE (6824)                 9.3 TEXAS GAS TRANSMISSI
 8051501   80-2777        1711121822 103   R L EDWARDS NO 6                    MONROE (6824)                 7.8 TEXAS GAS TRANSMISSI
 8051502   80-2778        1711121827 103   R L EDWARDS NO 8                    MONROE (6824)                 7.8 TEXAS GAS TRANSMISSI
-FRANKS PETROLEUM INC ETAL               RECEIVED:  08/04/80  JA: LA
 8051463   80-2876        1702720579 102   BODCAW RB SUM ROBERT R THURMAN NO 1 LISBON                      109.0 ARKANSAS LOUISIANA G
 8051464   80-2877        1707321170 102   HOSS RA SU A E J JOSEPH A NO 1      PETTICOAT BAYOU             300.0 TEXAS GAS TRANSMISSI
 8051534   80-2878        1707321055 102   SLI RA SUF JOSEPH JR NC 1           PETTICOAT BAYOU             431.0 TEXAS GAS TRANSMISSI
-GAS RESOURCES INC                       RECEIVED:  08/04/80  JA: LA
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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8051532	80-2814	1711122491	103		EXXON-ARCO #1 #168918	MONROE GAS	18.0	IMC PIPELINE CO INC
8051531	80-2813	1711122487	103		EXXON-ARCO #2 #168854	MONROE GAS	22.0	IMC PIPELINE CO INC
8051448	80-2815	1711122488	103		EXXON-ARCO #3 #168893	MONROE GAS	18.0	IMC PIPELINE CO INC
8051491	80-2812	1711122480	103		MORGAN #1 #168779	MONROE GAS	20.0	IMC EXPLORATION CO I
8051458	80-2891	1711122163	103		MORGAN #2 #166719	MONROE GAS	18.0	IMC EXPLORATION CO I
-GUERNSEY PETROLEUM CORPORATION					RECEIVED: 08/04/80 JA: LA			
8051484	80-2830	1703121081	102		GUY NO 1	BUFFALO BAYOU	146.0	MID LOUISIANA GAS CO
8051485	80-2831	1703121102	102		GUY NO 2	GUY NO 2	146.0	MID LOUISIANA GAS CO
8051483	80-2829	1703121159	102		J W BENNETT NO 1	BUFFALO BAYOU	72.0	MID LOUISIANA GAS CO
-IMC EXPLORATION COMPANY					RECEIVED: 08/04/80 JA: LA			
8051508	80-2785	1711121554	108		FROST #63	MONROE GAS FIELD	20.7	IMC PIPELINE COMPANY
8051511	80-2788	1711122012	108		FROST #80	MONROE GAS FIELD	1.7	IMC PIPELINE CO INC
8051510	80-2787	1711122146	108		L M LANKFORD #5	MONROE GAS FIELD	1.2	IMC PIPELINE CO INC
8051509	80-2786	1707320382	108		RICHLAND PLANTATION #F-229	MONROE GAS FIELD	2.2	IMC PIPELINE COMPANY
-JIM V HADDOX					RECEIVED: 08/04/80 JA: LA			
8051444	80-2775	1711122171	103		WHITE #1	MONROE	0.0	MID LOUISIANA GAS CO
-JUSTISS-MEARS OIL CO INC					RECEIVED: 08/04/80 JA: LA			
8051515	80-2794	1708320361	102		CV RA SU AA B RICHLAND-PENNZOIL 1	MILHAVEN	225.0	LOUISIANA INTRASTATE
8051495	80-2797	1708320389	102		CV RA SUBB D RICHLAND-PENNZOIL 1	MILHAVEN	210.0	LOUISIANA INTRASTATE
8051492	80-2795	1708320390	102		CV RA SUFF C RHYMES 1	MILHAVEN	250.0	LOUISIANA INTRASTATE
8051497	80-2799	1708320383	102		CV RA SULL E RICHLAND-PENNZOIL 1	MILHAVEN	225.0	LOUISIANA INTRASTATE
8051498	80-2800	1708320431	102		CV RA SUX J RICHLAND PENNZOIL 1	MILLHAVEN	90.0	LOUISIANA INTRASTATE
8051496	80-2798	1708320375	102		CV RA SUZ C RICHLAND-PENNZOIL 1	MILHAVEN	200.0	LOUISIANA INTRASTATE
8051486	80-2780	1702120633	102		HADDEN RA SU F OLINKRAFT #1	PISTOL THICKET	180.0	LOUISIANA INTRASTATE
8051503	80-2779	1702120629	102		HADDEN RA SU G LA-PACIFIC #1	PISTOL THICKET	80.0	LOUISIANA INTRASTATE
8051533	80-2886	1708520397	102		HOSS RA SU MM F RICHLAND-PENNZOIL 1	MILHAVEN	127.0	LOUISIANA INTRASTATE
8051494	80-2796	1707321073	102		HOSS RA SUB B RHYMES 1	MILHAVEN	10.0	OLINKRAFT INC
-LAMARK ENERGY INC					RECEIVED: 08/04/80 JA: LA			
8051460	80-2882	1701920769	102		POMEROY TRUST 1	GILLIS ENGLISH BAYOU	250.0	UNITED GAS PIPE LINE
-MARATHON OIL COMPANY					RECEIVED: 08/04/80 JA: LA			
8051443	80-2774	1711900899	108		CVSU CVOC GRANT OIL CO #1	COTTON VALLEY	3.0	UNITED GAS PIPE LINE
8051470	80-2864	1711900896	108		CVSU MAGNOLIA MAY PRUITT #1	COTTON VALLEY	3.0	UNITED GAS PIPE LINE
8051538	80-2865	1711901004	108		CVSU OLIPHANT SAM BANKS #2	COTTON VALLEY	3.0	UNITED GAS PIPE LINE
-MID LOUISIANA GAS COMPANY					RECEIVED: 08/04/80 JA: LA			
8051493	80-2776	1711122323	103		MLGC FEE GAS NO 867	MONROE FIELD	43.2	
-MIDROC OPERATING CO					RECEIVED: 08/04/80 JA: LA			
8051536	80-2880	1707321137	102		SLI RA SUI L C WILKINSON 11-14 #1	MILLHAVEN	584.0	TEXAS GAS TRANSMISSI
8051536	80-2880	1707321137	103		SLI RA SUI L C WILKINSON 11-14 #1	MILLHAVEN	584.0	TEXAS GAS TRANSMISSI
-N R PRICE					RECEIVED: 08/04/80 JA: LA			
8051535	80-2879	1705921533	103		HENRY DOUGHTY NO 1	LITTLE CREEK	50.0	TRUNKLINE GAS CO
-PRIMOS PRODUCTION CO					RECEIVED: 08/04/80 JA: LA			
8051467	80-2861	1706721342	108		GEORGIA PACIFIC C #1	MONROE GAS FIELD	7.7	UNITED GAS PIPELINE
8051466	80-2860	1706721345	108		GEORGIA PACIFIC C #4	MONROE GAS FIELD	9.0	UNITED GAS PIPELINE
8051465	80-2859	1706721346	108		GEORGIA PACIFIC C #5	MONROE GAS FIELD	9.0	UNITED GAS PIPELINE
8051451	80-2818	1711122353	103		PETRO LEWIS PENNZOIL FEE 127 #4	MONROE GAS	41.1	PETRO LEWIS FUNDS IN
8051454	80-2821	1707321375	103		PETRO-LEWIS HATCHER EVANS #2	MONROE GAS	12.3	PETRO-LEWIS FUNDS IN
8051455	80-2822	1707321372	103		PETRO-LEWIS HATCHER EVANS #3	MONROE GAS	9.2	PETRO-LEWIS FUNDS IN
8051456	80-2823	1707321373	103		PETRO-LEWIS HATCHER EVANS #4	MONROE GAS	9.2	PETRO-LEWIS FUNDS IN
8051445	80-2824	1707321374	103		PETRO-LEWIS HATCHER EVANS #5	MONROE GAS	9.2	PETRO-LEWIS FUNDS IN
8051447	80-2825	1707321376	103		PETRO-LEWIS HATCHER EVANS #6	MONROE GAS	9.2	PETRO-LEWIS FUNDS IN
8051446	80-2826	1707321377	103		PETRO-LEWIS HATCHER EVANS #7	MONROE GAS	8.2	PETRO LEWIS FUNDS IN
8051449	80-2816	1711122372	103		PETRO-LEWIS PENNZOIL FEC 65 #2	MONROE GAS	16.4	PETRO LEWIS FUNDS IN

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8051450	80-2817	1711122350	103		PETRO-LEWIS PENNZOIL FEE 127 #1	MONROE GAS	20.5	PETRO-LEWIS FUNDS IN
8051452	80-2819	1711122341	103		PETRO-LEWIS RAMSEY ET AL #2	MONROE GAS	15.4	PETRO-LEWIS FUNDS IN
8051453	80-2820	1711122342	103		PETRO-LEWIS RAMSEY ET AL #3	MONROE GAS	16.4	PETRO-LEWIS FUNDS IN
8051475	80-2851	1706721117	108		TENSAS DELTA A #10	MONROE	15.2	UNITED GAS PIPELINE
8051548	80-2852	1706721111	108		TENSAS DELTA A #11	MONROE	18.4	UNITED GAS PIPELINE
8051549	80-2853	1706721118	108		TENSAS DELTA A #12	MONROE	18.4	UNITED GAS PIPELINE
8051522	80-2857	1706721124	108		TENSAS DELTA A #15	MONROE	15.3	UNITED GAS PIPELINE
8051479	80-2844	1706721081	108		TENSAS DELTA A #3	MONROE	18.4	UNITED GAS PIPELINE
8051471	80-2847	1706721076	108		TENSAS DELTA A #6	MONROE	18.4	UNITED GAS PIPELINE
8051472	80-2848	1706721079	108		TENSAS DELTA A #7	MONROE	18.4	UNITED GAS PIPELINE
8051474	80-2850	1706721116	108		TENSAS DELTA A #9	MONROE	15.2	UNITED GAS PIPELINE
8051477	80-2842	1706721078	108		TENSAS DELTA A #1	MONROE	18.4	UNITED GAS PIPELINE
8051478	80-2843	1706721077	108		TENSAS DELTA A 2	MONROE	18.4	UNITED GAS PIPELINE
8051523	80-2858	1706721209	108		TENSAS DELTA A 20	MONROE	18.4	UNITED GAS PIPELINE
8051480	80-2845	1706721082	108		TENSAS DELTA A-4	MONROE	18.4	UNITED GAS PIPELINE
8051481	80-2846	1706721083	108		TENSAS DELTA A-5	MONROE	18.4	UNITED GAS PIPELINE
8051473	80-2849	1706721115	108		TENSAS DELTA A-8	MONROE	15.2	UNITED GAS PIPELINE
8051550	80-2854	1706721106	108		TENSAS DELTA B #10	MONROE	18.4	UNITED GAS PIPELINE
8051551	80-2855	1706721112	108		TENSAS DELTA B #11	MONROE	18.4	UNITED GAS PIPELINE
8051527	80-2837	1706721086	108		TENSAS DELTA B #2	MONROE	18.4	UNITED GAS PIPELINE
8051528	80-2838	1706721080	108		TENSAS DELTA B #3	MONROE	18.4	UNITED GAS PIPELINE
8051468	80-2862	1706721084	108		TENSAS DELTA B #9	MONROE	18.4	UNITED GAS PIPELINE
8051526	80-2836	1706721085	108		TENSAS DELTA B 1	MONROE	18.4	UNITED GAS PIPELINE
8051521	80-2856	1706721113	108		TENSAS DELTA B-12	MONROE	18.4	UNITED GAS PIPELINE
8051529	80-2839	1706721088	108		TENSAS DELTA B-4	MONROE	18.4	UNITED GAS PIPELINE
8051530	80-2840	1706721089	108		TENSAS DELTA B-5	MONROE	18.4	UNITED GAS PIPELINE
8051476	80-2841	1706721104	108		TENSAS DELTA B-6	MONROE	18.4	UNITED GAS PIPELINE
-PRIMOS-DEAN PRODUCING CO					RECEIVED: 08/04/80 JA: LA			
8051489	80-2810	1707321156	103		CEMETERY #1	MONROE GAS	0.7	MID LOUISIANA GAS CO
8051490	80-2811	1707321187	103		CEMETERY #2	MONROE GAS	4.5	MID LOUISIANA GAS CO
-PRITCHARD ENGINEERING & OPER INC					RECEIVED: 08/04/80 JA: LA			
8051524	80-2832	1701723214	102		HOSS RA SU79 CUPPLES #1	ELM GROVE	100.0	ARKANSAS LOUISIANA G
8051524	80-2832	1701723214	103		HOSS RA SU79 CUPPLES #1	ELM GROVE	100.0	ARKANSAS LOUISIANA G
-RALPH L LEADERBRAND					RECEIVED: 08/04/80 JA: LA			
8051525	80-2835	1711901385	108		CRICHTON A 1 38910	SIBLEY	0.0	UNITED GAS PIPE LINE
-ROBERT E POWELL					RECEIVED: 08/04/80 JA: LA			
8051469	80-2863	1707321088	108		CYRENE BROADCASTING CORP #1	MONROE	4.6	UNITED GAS-PIPELINE
-ROY M TEEL					RECEIVED: 08/04/80 JA: LA			
8051543	80-2870	1707321286	103		UNION PRODUCING CO #7	MONROE GAS ROCK FIELD	34.7	IMC PIPELINE CO INC
8051544	80-2871	1707321289	103		UNION PRODUCING CO #9	MONROE GAS ROCK FIELD	35.4	IMC PIPELINE CO INC
-TEEL 78 A					RECEIVED: 08/04/80 JA: LA			
8051539	80-2866	1706721406	103		SANDIDGE A #11	MONROE GAS ROCK FIELD	15.7	UNITED GAS PIPELINE
8051540	80-2867	1706721423	103		SANDIDGE A #15	MONROE GAS ROCK FIELD	3.7	UNITED GAS PIPELINE
-TEEL 79 A					RECEIVED: 08/04/80 JA: LA			
8051541	80-2868	1707321242	103		COLE HEIRS A #1	MONROE GAS ROCK FIELD	12.0	IMC PIPELINE CO INC
8051542	80-2869	1707321265	103		COLE HEIRS A #8	MONROE GAS ROCK FIELD	7.3	IMC PIPELINE CO INC
-TEXAS INTERNATIONAL PET CORP					RECEIVED: 08/04/80 JA: LA			
8051482	80-2828	1772720109	103		STATE LEASE 2220 #57D	ELOI BAY	36.0	SOUTHERN NATURAL GAS
-TEXAS OIL & GAS CORP					RECEIVED: 08/04/80 JA: LA			
8051546	80-2873	1702720590	103		BOD SUA JONES Y #1 ALT	BLACKBURN	18.2	TEXAS GAS TRANSMISSI
8051545	80-2872	1703121201	103		HOSS SU 17 LUNDAY #1	BETHANY-LONGSTREET	12.7	ARKANSAS LOUISIANA G
-THE SUPERIOR OIL COMPANY					RECEIVED: 08/04/80 JA: LA			

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                                                                                   VOLUME  268          PAGE  004
  JD NO      JA DKT        API NO      SEC D WELL NAME                       FIELD NAME            PROD    PURCHASER
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  8051516    80-2898       1710921391  103   FID 50 RB SU LL&E U 18 NO 4     FOUR ISLE DOME          18.3 UNITED GAS PIPE LINE
 -THOMAS E TURMAN                          RECEIVED:  08/04/80  JA: LA
  8051519    80-2888       1712720620  103   THOMAS E TURMAN - WHITAKER #1   EAST SIKES FIELD        36.5 UNITED GAS PIPELINE
 -TRANSCO EXPLORATION COMPANY.             RECEIVED:  08/04/80  JA: LA
  8051461    80-2883       1703121092  102   HOSS SUA SKIDMORE NO 1          SPIDER                 109.5 TRANSCONTINENTAL GAS
 -UNION OIL COMPANY OF CALIF               RECEIVED:  08/04/80  JA: LA
  8051520    80-2889       1711320974  102   VPSB A NO 35                    EAST WHITE LAKE       2500.0
  8051487    80-2803       1710922114  103   8700 RA SU E CALVERT AND TODD NO 11 HOUMA               72.0 UNITED GAS PIPE LINE
  8051488    80-2804       1701922227  103   8700 RA SUD CALVERT & TODD #2   HOUMA                   90.0 UNITED GAS PIPE LINE
  8051500    80-2802       1710922115  103   8700 RB SUD C S GAIDRY NO 5     HOUMA                   90.0 UNITED GAS PIPE LINE
 -UNION TEXAS PETROLEUM                    RECEIVED:  08/04/80  JA: LA
  8051554    80-2894       1706120200  102   DHU DOWLING NO 30-1             TERRYVILLE SEC 30 T19N R  18.0 LOUISIANA GAS PURCHA
  8051459    80-2892       1706120199  102   G D CRAWFORD NO 1               TERRYVILLE SEC 32 T19N R  21.9 LOUISIANA GAS PURCHA
  8051553    80-2893       1706120210  102   GRAY RA SU M WILLAMETTE 31 NO 1 TERRYVILLE SEC 31 T19N R 792.0 LOUISIANA GAS PURCHA
  8051517    80-2895       1706120217  102   GRAY RA SUE C L HOOD 27 NO 1    TERRYVILLE FIELD SEC 27   29.0 LOUISIANA GAS PURCHA
 -WILLIAMS EXPLORATION COMPANY             RECEIVED:  08/04/80  JA: LA
  8051499    80-2801       1710922208  107   F A DUJAY ET AL NO 1            LAPEYROUSE              13.9
*****************************************************************************************
    MONTANA BOARD OF OIL & GAS CONSERVATION
*****************************************************************************************
 -ENERGY RESERVES GROUP INC                RECEIVED:  08/04/80  JA: MT
  8051398    6-80-143      2510121844  103   A W MORTON #1                   WILDCAT                 27.0 MONTANA POWER CO
  8051400    6-80-144      2510121696  103   GIBLER #1                       PRAIRIE DELL           170.0 MONTANA POWER CO
  8051401    6-80-141      2510121573  103   HOLE #1                         WILDCAT                 36.0 MONTANA POWER CO
  8051399    6-80-142      2510121706  103   STATE TOWER #2                  WILDCAT                 62.0 MONTANA POWER CO
*****************************************************************************************
    NORTH DAKOTA GEOLOGICAL SURVEY
*****************************************************************************************
 -ENERGETICS INC                           RECEIVED:  08/04/80  JA: ND
 *8051378    269           3305300986  103   BRENNA 42-14                    UNION CENTER            90.0 MONTANA-DAKOTA UTILI
 -GETTY OIL COMPANY                        RECEIVED:  08/04/80  JA: ND
  8051379                  3300700390  102   MYSTERY CREEK A 36-3            T R FIELD              100.0 WESTERN GAS PROCESSO
 -LADD PETROLEUM CORPORATION               RECEIVED:  08/04/80  JA: ND
  8051380    275           3305300887  102   DUNCAN-FEDERAL #30-24           SCAIRT WOMAN             0.0 KOCH HYDROCARBON CO

 -SHELL OIL CO                             RECEIVED:  08/04/80  JA: ND
  8051373    273           3305300950  102   BURNS 44-21                     MONDAK                  54.5 DAKOTA UTILITIES CO
  8051371    266           3305300929  102   FRENCH-QUINNEL 31-14            SQUAW GAP               22.0 MONTANA DAKOTA UTILI
  8051372    270           3305301007  102   KLANDL-STATE 44-36              MONDAK                  20.0 MONTANA DAKOTA UTILI
 -WILLIAM HERBERT HUNT TRUST ESTATE        RECEIVED:  08/04/80  JA: ND
 *8051377    274           3300700462  102   D OSADCHUK #C-1                 TREETOP                171.0 KOCH HYDROCARBON CO
 *8051376    272           3300700444  102   EGLY #2                         TREETOP                 69.0 KOCH HYDROCARBON CO
 *8051375    268           3300700446  102   FRITZ A #2                      TREETOP               1277.0 KOCH HYDROCARBON CO
 *8051374    267           3300700426  102   RODAKOWSKI USA #1               TREETOP                365.0 KOCH HYDROCARBON CO
*****************************************************************************************
    OHIO DEPARTMENT OF NATURAL RESOURCES
*****************************************************************************************
 -APPALACHIAN PETROLEUM CORP               RECEIVED:  08/01/80  JA: OH
  8051204                  3416725354  103   ALVIN AND DELMAR BIEHL #1       ADAMS                    3.5 COLUMBIA GAS TRANSMI
  8051203                  3416725356  103   JOHN BAKER #2                   ADAMS                    3.5 COLUMBIA GAS TRANSMI
  8051205                  3416725352  103   VELMA PETERS (OHIO POWER) #4    ADAMS                    3.5 COLUMBIA GAS TRANSMI
 -BELDEN & BLAKE & CO 74                   RECEIVED:  08/01/80  JA: OH
  8051303                  3415123112  103   H & B BROADWATER COMM #1-846    SANDY                   36.5
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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8051302		3415123115	103		POHRER-VAUGHAN #3-940	MARLBORO	36.5	
-BERRESFORD ENTERPRISES INC					RECEIVED: 08/01/80 JA: OH			
8051221	08131	3416705120	103		H JARRELL #1	BIG RUN ALLOTMENT	15.0	
-BETHEL RESOURCES INC					RECEIVED: 08/01/80 JA: OH			
8051262		3412724038	103		ALLISON #3	READING	12.0	COLUMBIA GAS TRANSMI
8051256		3416922259	103		PAUL SNURE #1	WAYNE	12.0	COLUMBIA GAS TRANSMI
8051257		3416922241	103		ROBERT MOORHEAD #2	CLINTON	12.0	COLUMBIA GAS TRANSMI
-CLAY COUNTY PRODUCTION CO INC					RECEIVED: 08/01/80 JA: OH			
8051206		3416725333	107		DAVID ERB 1-A	FEARING	12.8	COLUMBIA GAS TRANSMI
-CLYDE BUTTS					RECEIVED: 08/01/80 JA: OH			
8051261		3412724509	103		BUTTS #1	READING	12.0	
-CONSOLIDATED RESOURCES OF AMERICA					RECEIVED: 08/01/80 JA: OH			
8051234		3405922655	103		WILMER TAYLOR #2	NEW CONCORD	21.0	CONSOLIDATED ALUMINU
8051236		3405922639	103		WM C DUFF #1	NEW CONCORD	17.0	CONSOLIDATED ALUMINU
8051235		3405922650	103		WM E & VERA B SHIRA #1	SENECAVILLE	27.8	COLUMBIA GAS TRANSMI
-DART OIL COMPANY					RECEIVED: 08/01/80 JA: OH			
8051313		3413322140	103		KOVOLYAN (UNIT) NO 2	STREETSBORO	50.0	
8051316		3413321719	103		NEWBERGER NO 2	SHALERVILLE	35.0	
-DENZIL W & PATSY P TENNANT					RECEIVED: 08/01/80 JA: OH			
8051339		3415320055	108		TENNANT #1		1.0	EAST OHIO GAS CO
-ENERGY DEVELOPMENT CORP					RECEIVED: 08/01/80 JA: OH			
8051245		3400721359	103		RUTH MORRISON #1	NEW LYME	20.0	EAST OHIO GAS CO
-EVERFLOW EASTERN INC					RECEIVED: 08/01/80 JA: OH			
8051291		3409920620	108		BEAGLE CLUB #1	ELLSWORTH	20.0	AMERICAN ENERGY SERV
8051287		3409920635	108		BEAGLE CLUB #2	ELLSWORTH	20.0	AMERICAN ENERGY SERV
8051288		3409920633	108		BEAGLE CLUB #3	ELLSWORTH	20.0	AMERICAN ENERGY SERV
8051290		3409920630	108		BUNTS #1	ELLSWORTH	9.0	AMERICAN ENERGY SERV
8051285		3409920684	108		HANEY-RHINEHART #1	ELLSWORTH	12.0	AMERICAN ENERGY SERV
8051284		3409920744	108		KESLAR-CENTORANI #1	ELLSWORTH	12.0	AMERICAN ENERGY SERV
8051293		3409920269	108		NEFF #2	ELLSWORTH	20.0	AMERICAN ENERGY SERV
8051283		3409920759	108		PAXSON-PHILLIPS UNIT #1	ELLSWORTH	6.0	AMERICAN ENERGY SERV
8051289		3409920632	108		RALICH #1	ELLSWORTH	12.0	AMERICAN ENERGY SERV
8051292		3409920568	108		SCHESLER #2	ELLSWORTH	18.0	AMERICAN ENERGY SERV
8051286		3409920663	108		SCHROCK #1	ELLSWORTH	12.0	AMERICAN ENERGY SERV
-GASEARCH INC					RECEIVED: 08/01/80 JA: OH			
8051304		3413322232	103		FIRTIK #3	WINDHAM	100.0	EAST OHIO GAS CO
-GIANT PETROLEUM CORPORATION					RECEIVED: 08/01/80 JA: OH			
8051247		3400721353	103		SIGMOND KULCSAR #2	COLEBROOK	20.0	EAST OHIO GAS CO
8051246		3400721354	103		SIGMOND KULCSAR #3	COLEBROOK	20.0	EAST OHIO GAS CO
-H & D DRILLING CO INC					RECEIVED: 08/01/80 JA: OH			
8051294		3408923789	103		WILLIE W & CARRIE A GEE #1	FALLSBURG	5.0	COLUMBIA GAS TRANSMI
-JAMES D NORMAN					RECEIVED: 08/01/80 JA: OH			
8051242		3403123754	103		J NORMAN #1	WHITE EXES	0.0	COLUMBIA GAS TRANSMI
-JANCO WELL OPERATIONS					RECEIVED: 08/01/80 JA: OH			
8051324		3415521418	103		#2 BALOGH - BARNHART UNIT	FARMINGTON	1.0	COLUMBIA GAS TRANS C
8051323		3415521469	103		#2 DAN YODER	MESOPOTAMIA	0.7	COLUMBIA GAS TRANS
8051238		3405520108	103		#4 WINDSOR FORD B	MIDDLEFIELD	90.0	COLUMBIA GAS TRANS C
-JOE L SCHRIMSHER					RECEIVED: 08/01/80 JA: OH			
8051254		3416922321	103		GALLO & GALLO #1	WOOSTER	20.0	EAST OHIO GAS CO
-JUD NOBLE AND ASSOCIATES INC					RECEIVED: 08/01/80 JA: OH			
8051312		3413322143	103		SONDEREKER #2	EDINBURG	20.0	GENERAL ELECTRIC CO
8051311		3413322144	103		SONDEREKER #3	EDINBURG	20.0	GENERAL ELECTRIC CO

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-K S T OIL & GAS CO INC					RECEIVED: 08/01/80 JA: OH			
8051332		3415320809	103		BELL #2	NORTHAMPTON	22.0	
8051329		3415320839	103		BLOSSOM MUSIC CENTER #3	NORTHAMPTON	22.0	
8051338		3415320677	103		CARR-ARMINGTON #1	NORTHAMPTON	16.0	
8051282		3409921161	103		GOTTSCHALL TOOL & DIE #1	GOSHEN	11.0	
8051328		3415320840	103		HIMELRIGHT #1	NORTHAMPTON	32.0	
8051309		3413322222	103		LANGE-STONESTREET #1	FREEDOM	14.0	
8051308		3413322223	103		LANGE-STONESTREET #2	FREEDOM	17.0	
8051307		3413322224	103		LANGE-STONESTREET #3	FREEDOM	12.0	
8051306		3413322225	103		LANGE-STONESTREET #4	FREEDOM	16.0	
8051260		3413320736	103		LANGE-STONESTREET #5	FREEDOM	14.0	
8051334		3415320806	103		REED #1	NORTHAMPTON	27.0	
8051320		3415721466	108		ROMIG #1		8.0	EAST OHIO GAS CO
8051331		3415320822	103		SMITH-TEEL UNIT #1	NORTHAMPTON	32.0	
8051327		3415320852	103		SOMMA-BUERGLER #2	NORTHAMPTON	30.0	
8051326		3415320853	103		SOMMA-BUERGLER #3	NORTHAMPTON	25.5	
8051335		3415320791	103		SWAIN #1	NORTHAMPTON	26.0	
8051333		3415320803	103		SWAIN #3	NORTHAMPTON	36.0	
8051330		3415320823	103		TEEL #1	NORTHAMPTON	30.0	
8051336		3415320783	103		W MYERS #1	NORTHAMPTON	30.0	
-KING DRILLING CO					RECEIVED: 08/01/80 JA: OH			
8051279		3410322002	103		DAVID GRESH #1	WESTFIELD	10.0	COLUMBIA GAS TRANSMI
8051278		3410322093	103		HUBERT BOWER #2	WESTFIELD	10.0	COLUMBIA GAS TRANSMI
8051280		3410321978	103		ORVILLE HINTON #1	WESTFIELD	10.0	COLUMBIA GAS TRANSMI
-LAUDERMAN OIL & GAS DRILLING					RECEIVED: 08/01/80 JA: OH			
8051211		3416724001	103		COFFMAN FARMS #3 WELL	WARREN	10.0	GAS TRANSPORT INC
-LEADER EQUITIES INC					RECEIVED: 08/01/80 JA: OH			
8051270		3411521667	103		DELMAR & MABEL GLENN #1	MEIGSVILLE	15.0	
8051269		3411521692	103		EVA DOTY #1	MEIGSVILLE	15.0	
8051266		3411924551	103		LOUIS J KOLB #1	MADISON	15.0	
8051237		3405922629	103		MILO BOZ ET AL #A-1	WHEELING	15.0	
8051267		3411521982	103		WILLIAM C HARMAN #1	MEIGSVILLE	15.0	
-LIBERTY OIL & GAS CORP					RECEIVED: 08/01/80 JA: OH			
8051244		3400322026	103		BLAKE WEAVER #1	CARTHAGE	19.0	COLUMBIA GAS TRANSMI
8051276		3410521943	103		CLYDE HEADLEY #1	OLIVE	20.0	COLUMBIA GAS TRANSMI
8051277		3410521797	103		REBECCA H MEYER #1	ORANGE	20.0	COLUMBIA GAS TRANSMI
-MB OPERATING CO INC					RECEIVED: 08/01/80 JA: OH			
*8051317		3413321551	103		A BOYER UNIT #1		3.7	REPUBLIC STEEL CORP
-MOHAWK OIL & GAS CORP					RECEIVED: 08/01/80 JA: OH			
8051263		3412122274	103		ROMAN SMITHBERGER #1-20	ELK	10.0	COLUMBIA GAS TRANSMI
-MORGAN-PENNINGTON INC					RECEIVED: 08/01/80 JA: OH			
8051296		3407522531	103		WEAVER NO 1	KILLBUCK	12.0	COLUMBIA GAS TRANSMI
-MOSSWOOD OIL & GAS CO					RECEIVED: 08/01/80 JA: OH			
8051208		3416724407	103		ALBERT REICHARDT #1 WELL	WARREN	11.0	GAS TRANSPORT INC
8051215		3416723851	103		CLARK P DUFFY #1	WARREN	9.0	GAS TRANSPORT INC
8051218		3416723668	103	D	COFFMAN FARMS INC #1	WARREN	13.0	GAS TRANSPORT INC
8051217		3416723720	103		COFFMAN FARMS INC #2	WARREN	13.0	GAS TRANSPORT INC
8051212		3416723992	103		COFFMAN FARMS INC #4 WELL	WARREN	13.0	GAS TRANSPORT INC
8051213		3416723990	103		HAROLD TORNES #1	WATERTOWN	11.0	GAS TRANSPORT INC
8051210		3416724145	103		HAROLD TORNES #1-A	WATERTOWN	11.0	GAS TRANSPORT INC
8051207		3416724304	103		KENNETH L & RUTH CLINE #3 WELL	WARREN	10.0	GAS TRANSPORT INC
8051214		3416723983	103		W F GILLS #1	WARREN	11.0	GAS TRANSPORT INC
8051209		3416724238	103		W F GILLS #2	WARREN	11.0	GAS TRANSPORT INC

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
-NATIONAL PETROLEUM CORP					RECEIVED: 08/01/80 JA: OH			
8051249		3400721236	103		JRT CO #1	LENOX	15.0	EAST OHIO GAS CO
8051248		3400721237	103		JRT CO #2	JEFFERSON	15.0	EAST OHIO GAS CO
8051250		3400720960	103		OHIO LAND & TIMBER #1	LENOX	15.0	EAST OHIO GAS CO
8051252		3400720953	103		OHIO LAND & TIMBER #2	LENOX	15.0	EAST OHIO GAS CO
8051251		3400720958	103		OHIO LAND & TIMBER #4	LENOX	15.0	EAST OHIO GAS CO
8051219		3400720863	103		W KELNER #2	LENOX	15.0	EAST OHIO GAS CO
8051220		3400720862	103		W KELNER #3	LENOX	15.0	EAST OHIO GAS CO
8051253		3400720864	103		W KELNER #4	LENOX	15.0	EAST OHIO GAS CO
-NEILL C FLEMISTER JR					RECEIVED: 08/01/80 JA: OH			
8051239		3405320383	108		EUGENE MOORE #1		17.0	COLUMBIA GAS TRANS C
8051240		3405320225	108		R O J CORP #2		17.0	COLUMBIA GAS TRANS C
-NEW FRONTIER EXPLORATION INC					RECEIVED: 08/01/80 JA: OH			
8051345		3415123184	103		CLARENCE GEORGE #2	OSNABURG	26.0	
8051315		3413322070	103		S R S UNIT #3	DEERFIELD	32.0	
-NOBLE ENERGY					RECEIVED: 08/01/80 JA: OH			
8051202		3416725432	103		ROXIE M EDDY #2	LUDLOW	25.0	COLUMBIA GAS TRANSMI
-OILTECH INC					RECEIVED: 08/01/80 JA: OH			
8051227		3407522313	103		HORACE A DUTTON #3	MECHANICS	0.0	COLUMBIA GAS TRANSMI
8051300		3407522390	103		HORACE A DUTTON #4	MECHANICS	0.0	COLUMBIA GAS TRANSMI
8051299		3407522391	103		HORACE A DUTTON #5	MECHANICS	0.0	COLUMBIA GAS TRANSMI
8051226		3407522385	103		KAUFFMAN #2	MECHANICS	0.0	COLUMBIA GAS TRANSMI
-POI ENERGY INC					RECEIVED: 08/01/80 JA: OH			
8051337		3415320748	103		FLOOD #1	HUDSON	25.0	
8051310		3413322205	103		WILCOX-ADAMS #2	STREETSBORO	75.0	
-POSTON OPERATING CO INC					RECEIVED: 08/01/80 JA: OH			
8051225	03090	3407321866	108		COE #1		6.4	COLUMBIA GAS TRANSMI
8051224	03094	3407321769	108		TUSSING-HGWK #6		6.8	COLUMBIA GAS TRANSMI
-PREMIER ENERGY CORP					RECEIVED: 08/01/80 JA: OH			
8051255		3416922309	103		ROBERT BUTZER #1	BAUGHMAN	20.0	
-QUADRANT EXPLORATION					RECEIVED: 08/01/80 JA: OH			
8051201		3416725468	103		JOHN M EDGAR #3	INDEPENDENCE	40.0	
-RELIANCE MANAGEMENT CO					RECEIVED: 08/01/80 JA: OH			
8051271		3411521341	108		DON COOLEY #1		2.3	COLUMBIA GAS TRANSMI
8051275		3411521303	108		HARRIET WOJNOWSKI #1		2.3	COLUMBIA GAS TRANSMI
8051274		3411521315	108		JOHN BOYD #1		2.3	COLUMBIA GAS TRANSMI
8051273		3411521318	108		JOHN BOYD #2		2.3	COLUMBIA GAS TRANSMI
8051265		3411925248	103		KENNETH & LOUELLA SMITH #1	HOPEWELL	10.0	NATIONAL GAS & OIL C
8051241		3404520578	108		RALPH YOUNG #1		3.0	COLUMBIA GAS TRANSMI
8051272		3411521339	108		RONALD BENJAMIN #1		2.3	COLUMBIA GAS TRANSMI
-RICHARD R OTTO					RECEIVED: 08/01/80 JA: OH			
8051259		3416921973	108		RIVERLAND KRABILL #4		7.7	COLUMBIA GAS TRANSMI
8051258		3416921994	108		RIVERLAND KRABILL #6		4.2	COLUMBIA GAS TRANSMI
-RIVERLAND OIL INC					RECEIVED: 08/01/80 JA: OH			
8051223	03386	3416921993	108		N OLDJA #1	CANAAN-WAYNE	1.7	COLUMBIA GAS TRANS C
8051222	03404	3416921938	108		P & H KRABILL #1	CANAAN-WAYNE	8.5	COLUMBIA GAS TRANS C
-SANTA FE DRILLING CO INC					RECEIVED: 08/01/80 JA: OH			
8051264		3412122188	103		KEHL WELL NO 1	ELK	50.0	
-SENECA ENERGY CORP					RECEIVED: 08/01/80 JA: OH			
8051228		3407522281	103		HOMER J LOWE #2	MECHANICS	10.9	COLUMBIA GAS TRANSMI
-STRATA EXPLORATION INC LTD 80-2					RECEIVED: 08/01/80 JA: OH			
8051298		3407522424	103		#2 DON BERTLER	HARDY	0.5	COLUMBIA GAS TRANS

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                                                                        VOLUME 268       PAGE 008
 JD NO   JA DKT  API NO     SEC D WELL NAME                     FIELD NAME          PROD  PURCHASER
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-SUPERIOR PETROLEUM SERVICES INC  RECEIVED: 08/01/80  JA: OH
 8051281         3409921234 103   OKEFFE #3                     GOSHEN              26.0 EAST OHIO GAS CO
-THE BENATTY CORPORATION          RECEIVED: 08/01/80  JA: OH
 8051268         3411521771 103   C MOORE #1                    BLOOM               25.0 EAST OHIO GAS CO
-THE MUTUAL OIL & GAS COMPANY     RECEIVED: 08/01/80  JA: CH
 8051232         3407322245 103   D & J LUCAS 1                 MARION               5.0 PARAMOUNT TRANSMISSI
 8051233         3407322244 103   T & K STEPHEN #1              MARION               5.0 PARAMOUNT TRANSMISSI
-TOWER ENERGY CORP                RECEIVED: 08/01/80  JA: OH

 8051325         3415521372 103   J E ZELENAK #1                NEWTON              50.0 COLUMBIA GAS TRANS C
-VIKING RESOURCES CORPORATION     RECEIVED: 08/01/80  JA: OH
 8051314         3413322136 103   HOSCHAR UNIT #1               ATWATER             30.0
 8051305         3413322230 103   JENKINS #1                    DEERFIELD           30.0
 8051301         3415123140 103   QUALK UNIT #1                 LEXINGTON           30.0
-WHEELING OIL CORP                RECEIVED: 08/01/80  JA: OH
 8051243         3402920791 103   O SIDWELL #2                  BUTLER              30.0
-WILLIAM F HILL                   RECEIVED: 08/01/80  JA: OH
 8051297         3407522480 103   GLENN LANG #1                 KNOX                 8.0
 8051295         3407522620 103   JOHN STARNER #3               KILLBUCK             6.0 COLUMBIA GAS TRANSMI
 8051229         3407521862 108   KILLGROVE #1                                       7.0 COLUMBIA GAS TRANSMI
 8051231         3407520989 108   WARREN MASSIE #1                                   0.0 COLUMBIA GAS TRANS C
 8051230         3407521577 108   WARREN MASSIE #2                                   2.0 COLUMBIA GAS TRANSMI
-WILLIAM N TIPKA                  RECEIVED: 08/01/80  JA: OH
 8051322         3415720285 108   CORUNDITE #1                                       3.0 EAST OHIO GAS CO
 8051321         3415720381 108   CORUNDITE #3                                      31.0 EAST OHIO GAS CO
 8051319         3415723472 103   CREIGHTON-SHELL 2A            YORK                36.0 EAST OHIO GAS CO
 8051318         3415723506 103   DANIELS #1                    WASHINGTON          30.0 EAST OHIO GAS CO
 8051340         3415120853 103   HIGHT W #1                                         3.0 EAST OHIO GAS CO
 8051344         3415120315 108   MUSKINGUM WCD #1                                   3.0 EAST OHIO GAS CO
 8051342         3415120338 108   PARR LV #1                                         3.0 EAST OHIO GAS CO
 8051343         3415120326 108   STANSBERGER #1                                     3.0 EAST OHIO GAS CO
 8051341         3415120354 108   WADE R #1                                          3.0 EAST OHIO GAS CO
-WINSTON OIL COMPANY              RECEIVED: 08/01/80  JA: OH
 8051216         3416723829 108   CHARLES F LAWTON #1                                7.0 COLUMBIA GAS TRAN CO
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  OKLAHOMA CORPORATION COMMISSION
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-AMOCO PRODUCTION CO              RECEIVED: 08/04/80  JA: OK
 8051572  01162  3515320865 103   KATHRYN KEE #2                NE CEDARDALE       600.0 MICHIGAN WISCONSIN P
-ANADARKO PRODUCTION COMPANY      RECEIVED: 08/04/80  JA: OK
 8051609  04746  3513921236 103   WILSON A #5                   NORTH UNITY         18.0 PHILLIPS PETROLEUM C
-ANDOVER OIL COMPANY              RECEIVED: 08/04/80  JA: OK
 8051576  04741  3501721126 103   EARL MILLS #28-1              WILDCAT            180.0 DELHI GAS PIPELINE C
 8051622  04740  3501721126 102   EARL MILLS #28-1              WILDCAT            180.0 DELHI GAS PIPELINE C
 8051584  04676  3501720999 103   RUMSEY #10-1                  YUKON              175.0 PHILLIPS PETROLEUM C
 8051583  04677  3501721031 103   RUMSEY #10-2                  YUKON              175.0 PHILLIPS PETROLEUM C
-ARCO OIL AND GAS COMPANY         RECEIVED: 08/04/80  JA: OK
 8051623  07772  3504721861 102   CHARLES N KRIPPES #1          SOUTH DOUGLAS       73.0 COVINGTON GAS PROCES
-BETTIS BOYLE & STOVALL           RECEIVED: 08/04/80  JA: CK
 8051624  03836  3500721680 102   MILES NO 1                    MOCANE             182.5 COLORADO INTERSTATE
-C&A OIL COMPANY                  RECEIVED: 08/04/80  JA: OK
 8051593  04785  3510521867 103   MITCHELL #1                   NOWATA CLAGETT      22.0 A-G SYSTEMS LTD
 8051590  04781  3510500000 103   POLONE #1                     NOWATA CLAGETT       9.0 A-G SYSTEMS LTD
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8051591	04783	3510521827	103	POLONE A #1	NOWATA CLAGETT	22.0	A-G SYSTEMS LTD
8051592	04786	3510521868	103	SMITH #1	NOWATA CLAGETT	9.0	A-G SYSTEMS LTD
8051588	04784	3510521973	103	SMITH A #1	NOWATA CLAGETT	30.0	A-G SYSTEMS LTD
8051589	04782	3510521974	103	YIRSA #1	NOWATA CLAGETT	11.0	A-G SYSTEMS LTD
-CHAMPLIN PETROLEUM COMPANY				RECEIVED: 08/04/80 JA: OK			
8051585	04579	3505300000	108	B D CRITES NO 1	EUREKA	10.0	SUNRAY DX OIL CO
-CHASE EXPLORATION CORP				RECEIVED: 08/04/80 JA: OK			
8051630	04713	3507121615	103	HYND #1-25		33.3	CITIES SERVICE GAS C
8051631	04714	3507121688	103	ROUSEY #2-26	UNNAMED	35.5	CITIES SERVICE GAS C
-CHEYENNE PETROLEUM COMPANY				RECEIVED: 08/04/80 JA: OK			
8051621	04735	3507730180	102	JAMES #1-28	NOT NAMED	547.5	
8051577	04736	3506321008	103	JOHN SHERRY #1-10	SOUTH WETUMKA	73.0	
-CITIES SERVICE COMPANY				RECEIVED: 08/04/80 JA: OK			
8051625	03672	3506120253	102	JOHNSON H #1(CROMWELL)	NORTH RUSSELLVILLE	85.8	ARKANSAS LOUISIANA G
8051626	03673	3506120253	102	JOHNSON H #1(ATOKA)	NORTH RUSSELLVILLE	69.1	ARKANSAS LOUISIANA G
-COBRA OIL AND GAS CORPORATION				RECEIVED: 08/04/80 JA: OK			
8051636	03808	3505920698	103	W R KINNEY #1	UNALLOCATED	365.0	NORTHERN NATURAL GAS
-DALCO PETROLEUM INC				RECEIVED: 08/04/80 JA: OK			
8051587	03779	3507322187	103	VIETH NO 1	SOONER TREND	54.8	CITIES SERVICE GAS C
-DAVIS OIL COMPANY				RECEIVED: 08/04/80 JA: OK			
8051563	04639	3503920267	103	IVA #1	CUSTER	110.0	PUBLIC SERVICE CO OF
-GULF OIL CORPORATION				RECEIVED: 08/04/80 JA: OK			
8051617	04763	3511121201	103	SNOW #2-18	BEGGS SOUTH	6.0	PHILLIPS PETROLEUM C
8051613	04759	3511121244	103	SNOW #3-18	BEGGS SOUTH	3.0	PHILLIPS PETROLEUM C
8051616	04762	3511121245	103	SNOW #4-18	BEGGS SOUTH	3.0	PHILLIPS PETROLEUM C
8051615	04761	3511121267	103	SNOW #5-18	BEGGS SOUTH	7.0	PHILLIPS PETROLEUM C
8051614	04760	3511121268	103	SNOW #6-18	BEGGS SOUTH	4.0	PHILLIPS PETROLEUM C
8051618	04764	3511121277	103	SNOW JENNINGS #1-18	BEGGS SOUTH	3.0	PHILLIPS PETROLEUM C
8051612	04757	3511121201	103	SNOW JENNINGS #2-18	BEGGS SOUTH	15.0	PHILLIPS PETROLEUM C
8051619	04765	3511121514	103	SNOW JENNINGS #3-18	BEGGS SOUTH	20.0	PHILLIPS PETROLEUM C
-HADSON PETROLEUM CORP				RECEIVED: 08/04/80 JA: OK			
8051632	04716	3505120657	103	GODWIN #1-14	CHITWOOD	120.0	MOBIL OIL COMPANY
-HARPER OIL COMPANY				RECEIVED: 08/04/80 JA: OK			
8051637	04104	3504721904	103	LOCKRIDGE #3	DOUGLAS	22.0	ARCO OIL AND GAS COM
-HELMERICH & PAYNE INC				RECEIVED: 08/04/80 JA: OK			
8051562	04647	3512920381	103	LESTER B NO 1	WEST CHEYENNE	274.0	MICHIGAN WISCONSIN P
-HOLLY ENERGY INC				RECEIVED: 08/04/80 JA: OK			
8051603	03745	3515300000	103	COX NO 1	WOODWARD SE	70.0	NATURAL GAS PIPELINE
-HOOVER & BRACKEN ENERGIES				RECEIVED: 08/04/80 JA: OK			
8051633	04720	3512920372	103	HARTLEY #1-8	UNNAMED	36.5	ARKANSAS LOUISIANA G
-JOHN P CASTLEMAN JR				RECEIVED: 08/11/80 JA: OK			
8051402	03771	3502520389	103	CASTLEMAN - KINCANNON #19-1	SAMPSEL	0.0	PANHANDLE EASTERN PI
-KAISER-FRANCIS OIL COMPANY				RECEIVED: 08/04/80 JA: OK			
8051557	04727	3513700000	108	HALLETT UNIT #1	S E STAGE STAND	18.0	LONE STAR GAS COMPAN
8051599	04454	3505120756	103	J V #1	WATONGA - CHICKASHA	109.0	ARKANSAS-LOUISIANA G
8051629	04454	3505120756	102	J V #1	WATONGA - CHICKASHA	109.0	ARKANSAS-LOUISIANA G
8051606	04342	3505120783	103	MORSE 1A	NW CHICKASHA	365.0	ARKANSAS LOUISIANA G
8051627	04342	3505120783	102	MORSE 1A	NW CHICKASHA	365.0	ARKANSAS LOUISIANA G
8051598	04453	3505120824	103	NULL #1-A	POCASSET	730.0	ARKANSAS LOUISIANA G
8051628	04453	3505120824	102	NULL #1-A	POCASSET	730.0	ARKANSAS LOUISIANA G
-L R FRENCH JR				RECEIVED: 08/04/80 JA: OK			
8051559	04650	3507322304	103	HOLM 15 #2	N E LACY	36.5	PHILLIPS PETROLEUM C

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 JD NO     JA DKT         API NO     SEC D WELL NAME                      FIELD NAME          PROD   PURCHASER
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-LADD PETROLEUM CORPORATION                RECEIVED:  08/04/80  JA: OK
 8051601   03147       3509321568 103   WEBB GLIDEWELL #3                 RINGWOOD             32.0 OKLAHOMA NATURAL GAS
-LPCX CORPORATION                          RECEIVED:  08/04/80  JA: OK
 8051569               3509321491 103   LPCX BLASER NO 1                  CHEYENNE VALLEY       0.0 AMINOIL USA INC
-MOBIL OIL CORP                            RECEIVED:  08/04/80  JA: OK
 8051570   02627       3513700000 108   J L MARTIN #7                     SHO VEL TUM           1.0 AMINOIL USA INC
-NORTH AMERICAN ROYALTIES INC              RECEIVED:  08/04/80  JA: OK
 8051620   04778       3501721295 103   BEROUSEK #2 (017-59000)           YUKON               365.0 PHILLIPS PETROLEUM C
-NOVA ENERGY CORPORATION                   RECEIVED:  08/04/80  JA: OK
 8051604   04630       3501721143 103   PETERS NO 1-30                    SOUTHEAST EL RENO   150.0 PHILLIPS PETROLEUM C
-OKLAHOMA PETROLEUM MANAGEMENT CORP        RECEIVED:  08/04/80  JA: OK
 8051600   03100       3511920992 102   HANSEN #3                         NE MT HOPE FIELD     54.8 COLORADO GAS COMPRES
 8051634   03462       3508120795 102   HIGDON #1                         NORTH AGRA          136.9 COLORADO GAS COMPRES
 8051565   03460       3508120694 102   MARRS #1                          NORTH AGRA          148.9 COLORADO GAS COMPRES
-PHILLIPS PETROLEUM COMPANY                RECEIVED:  08/04/80  JA: OK
 8051602   03589       3504939965 108   MARVIN A NO 1                     GOLDEN TREND         19.9 WARREN PETROLEUM COM
 8051586   01054       3504939535 108   PLASTER NO 1                      S W MAYSVILLE         9.6 WARREN PETROLEUM COR
 8051566   01462       3504900000 108   SWAGSU NO 119                     GOLDEN TREND          1.8 WARREN PETROLEUM COR
-RED EAGLE OIL CO                          RECEIVED:  08/04/80  JA: OK
 8051594   03863       3509321583 103   KLIEWER #1                        WEST ORIENTA        183.0 UNION TEXAS PETROLEU
 8051595   03137       3509321606 103   PENNER #1                         RINGWOOD             73.0 PIONEER GAS PRODUCTS
-RESERVE EXPLORATION INC                   RECEIVED:  08/04/80  JA: OK
 8051580   04686       3507121338 103   KELLE #1                          UNNAMED              19.5 CHASE EXPLORATION CO
 8051582   04684       3507121403 103   KELLE #2                          UNNAMED              14.5 CHASE EXPLORATION CO
 8051581   04685       3507121568 103   KELLE #3                          UNNAMED              14.5 CHASE EXPLORATION CO
-RICKS EXPLORATION CO                      RECEIVED:  08/04/80  JA: OK
 8051568   02679       3515320842 103   MILLER FARMS #32-A                SHARON W              0.0 PHILLIPS PETROLEUM C

-SABINE PRODUCTION COMPANY                 RECEIVED:  08/04/80  JA: OK
 8051573   01122       3509321473 102   FIREBAUGH #1-26                   SOUTH BADO            0.0 PHILLIPS PETROLEUM C
-SEARCH DRILLING CO                        RECEIVED:  08/04/80  JA: OK
 8051635   03496       3500721581 102   OLMSTEAD NO 1                     MOCANE - LAVERNE    365.0 NORTHERN NATURAL GAS
-SENECA OIL COMPANY                        RECEIVED:  08/04/80  JA: OK
 8051611   04752       3509321581 103   CLASSEN NO 1-17                   S E BADO              9.9 PANHANDLE EASTERN PI
-SERVICE DRILLING CO                       RECEIVED:  08/04/80  JA: OK
 8051575               3513120950 103   FRASIER B #1                                           73.0 DIAMOND S GAS SYSTEM
 8051610   04747       3513120951 103   FRASIER B #2                                           73.0 DIAMOND S GAS SYSTEM
-SHAR-ALAN OIL CO                          RECEIVED:  08/04/80  JA: OK
 8051560   04649       3507322282 103   CUPPS #1                                              109.5
 8051561   04648       3507322272 103   TRIPLETT #1                                            72.0 CONOCO INC
-SOUTHPORT EXPLORATION INC                 RECEIVED:  08/04/80  JA: OK
 8051564   03145       3515300000 102   C T MANNING NO 1                  SOUTH SHARON        475.0
-SUN OIL COMPANY (DELAWARE)                RECEIVED:  08/04/80  JA: OK
 8051605   03901       3505900000 108   H M MCCLUNG NO 2                  MOCANE-LAVERNE       20.0 MICHIGAN WISCONSIN P
-SUNRISE EXPLORATION INC                   RECEIVED:  08/04/80  JA: OK
 8051578   04705       3500320670 103   BLACKLEDGE #1-23                  N E JET              70.0 PIONEER GAS PRODUCTS
-TEXACO INC                                RECEIVED:  08/04/80  JA: OK
 8051607   04743       3504721498 103   C G MCBURNEY NO 2                 ENID NE              53.5 CHAMPLIN PETROLEUM C
 8051608   04744       3504721497 103   JOSEPH WILSON NO 3                ENID NE              20.7 CHAMPLIN PETROLEUM C
-TEXAS OIL & GAS CORP                      RECEIVED:  08/04/80  JA: OK
 8051579   04699       3501720893 103   BENNY PETERS #1                   RICHLAND            329.0 DELHI GAS PIPELINE C
 8051574   04751       3504320997 103   MOSTELLER A #1                    PUTNAM              225.0 DELHI GAS PIPELINE C
 8051597   04753       3509320973 103 D WILLITS A #1                      CHEYENNE VALLEY     530.0
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 JD NO     JA DKT      API NO      SEC D WELL NAME                     FIELD NAME            PROD    PURCHASER
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 8051571   01678       3504320513 108   ZIEBER B #1                    S E TALOGA              15.0 DELHI GAS PIPELINE C
-TEXAS PACIFIC OIL COMPANY INC         RECEIVED:  08/04/80  JA: OK
 8051558   04652       3508520312 103   QUINTON LITTLE NO 1            N E ENVILLE             73.0 CIMARRON TRANSMISSIO
-UNIVERSAL RESOURCES CORPORATION       RECEIVED:  08/04/80  JA: OK
 8051567   02998       3509332132 103   HARMON #2-28                   DANE                    43.0 DELHI GAS PIPELINE C
-WALKER & WITHROW INC                  RECEIVED:  08/04/80  JA: OK
 8051596   02485       3501720765 103   KRUGER #25-1                   N W RICHLAND            60.0 DELHI
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  WEST VIRGINIA DEPARTMENT OF MINES
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-ALLERTON MILLER                       RECEIVED:  08/04/80  JA: WV
 8051411               4709700684 108   ROBY #1                        MEADE DISTRICT           0.0 COLUMBIA GAS TRANSMI
 8051412               4709700647 108   S G CASTO #1 M-303             MEADE DISTRICT           4.4 COLUMBIA GAS TRANS C
 8051410               4709700758 108   S G CASTO #2 M-319             MEADE DISTRICT           0.0 COLUMBIA GAS TRANS C
-BOGERT COAL & GAS                     RECEIVED:  08/04/80  JA: WV
 8051425               4700100731 108   BROWN NO 1                     APPLACHIAN               7.8 CONSOLIDATED GAS SUP
-CECIL PRUITT JR                       RECEIVED:  08/04/80  JA: WV
 8051418               4704101460 108   HARRISON #2 047-041-1460DD     HARRISON #2              1.3 EQUITABLE GAS CO
-D A DORWARD                           RECEIVED:  08/04/80  JA: WV
 8051423               4701701650 108   MCREYNOLDS D1                                           0.2 CONSOLIDATED GAS SUP
-EAGLE GAS CO                          RECEIVED:  08/04/80  JA: WV
 8051408               4703302304 108   C D ROBINSON WELL NO 39        EAGLE DISTRICT           4.0 LUMBERPORT-SHINNSTON
 8051407               4703302437 108   EMMA ROBINSON WELL NO 25       EAGLE DISTRICT           3.0 LUMBERPORT-SHINNSTON
-FRANKLIN ADKINS                       RECEIVED:  08/04/80  JA: WV
 8051424               4702123410 108   BUSH #1                        DEKALB                  10.0 CONSOLIDATED GAS SUP
 8051416               4709921673 108   JERRELL #1                     LINCOLN                 15.0 COLUMBIA GAS TRANSMI
 8051417               4709921674 108   MARCUM #1                      LINCOLN                 19.8 COLUMBIA GAS TRANS C
-GENE TUCKER                           RECEIVED:  08/04/80  JA: WV
 8051420               4701300179 108   FRED STUMP #1                  RUSSETT                  1.8 CABOT CORP
 8051421               4701300197 108   FRED STUMP #2                  RUSSETT                  1.8 CABOT CORP
-GRANTSVILLE OIL & GAS CO              RECEIVED:  08/04/80  JA: WV
 8051413               4701301740 108   E O WILSON WELL #2             SHERMAN                  4.9 CONSOLIDATED GAS SUP
-GULF OIL CORPORATION                  RECEIVED:  08/04/80  JA: WV
 8051415               4710700495 108   CAMP COMMUNITY NO 1            TYGART                   1.0 GAS TRANSPORT INC
 8051430               4701302361 108   DESPARD NO 1                   HENRIETTA DE CALB        4.0 CONSOLIDATED GAS SUP
 8051431               4701301372 108   DESPARD NO 2                   HENRIETTA DECALB         4.0 CONSOLIDATED GAS SUP
 8051432               4701302580 108   DESPARD NO 3                   HENRIETTA DECALB         4.0 CONSOLIDATED GAS SUP
 8051433               4702102081 108   HARDMAN A #1                   GLENVILLE W - INJUN      1.0 CONSOLIDATED GAS SUP

 8051434               4703500983 108   MOORE /A/ NO 1                 WILLOWDALE - ORISKANY    1.0 GAS TRANSPORT INC
-HORNOR INVESTMENT CO                  RECEIVED:  08/04/80  JA: WV
 8051406               4703302438 108   ROBEY-CUNNINGHAM #1            SARDIS DISTRICT          9.0 EAGLE GAS CO
-INDUSTRIAL GAS ASSOCIATES             RECEIVED:  08/04/80  JA: WV
 8051404               4701701886 108   LAMM NO 1 DOD-1886             CENTRAL DISTRICT        15.0 EQUITABLE GAS CO
-JUSTIN M HENDERSON                    RECEIVED:  08/04/80  JA: WV
 8051441               4701700293 108   HENDERSON NO 2 47017-2,9300000 WEST UNION               6.0 CARNEGIE NATURAL GAS
-M & T FELLOWS                         RECEIVED:  08/04/80  JA: WV
 8051428               4708501390 108   C A WILSON #1                  C A WILSON FARM          1.8 CONSOLIDATED GAS SUP
 8051429               4708501768 108   HENDRICKSON #1                 HENDRICKSON FARM         1.0 CONSUMERS GAS UTILIT
 8051419               4708501086 108   LENA R CARR #3                 LENA R CARR FARM         1.0 EQUITABLE GAS CO
-MILTON CAIN OWNER                     RECEIVED:  08/04/80  JA: WV
 8051403               4701320205 108   J G KNOTTS WELL NO 1           WASHINGTON               1.7 CABOT CORP
 8051442               4701320130 108   PELL & SHANKS WELL NO 3        SHERIDAN DISTRICT       14.5 CABOT CORP
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-P & S OIL AND GAS CORPORATION              RECEIVED: 08/04/80  JA: WV
 8051436               4704500229 108   BASSIL LEE FERRELL                CHAPMANVILLE DIST          5.9 CONSOLIDATED GAS SUP
 8051409               4704300921 108   CORDELIA HILL #1                  HARTS CREEK DIST           5.9 CONSOLIDATED GAS SUP
 8051439               4710900579 108   CROUCH #6 #7 OK                   OCEANA                     6.9 CONSOLIDATED GAS SUP
 8051405               4703903568 108   DICKINSON #1                      KELLY CREEK DIST           7.5 INDUSTRIAL GAS CORP
 8051437               4704500237 108   J V LUCAS                         CHAPMANVILLE               7.8 CONSOLIDATED GAS SUP
 8051435               4704500223 108   JULIA CHAPMAN #1                  CHAPMANVILLE               3.9 CONSOLIDATED GAS SUP
 8051438               4704500240 108   MORGAN GARRETT                    CHAPMANVILLE               3.9 CONSOLIDATED GAS SUP
 8051440               4705900256 108   VARNEY-HARRIS                     WILLIAMSON                10.9 COLUMBIA GAS TRANSMI
-R K BOGERT JR                              RECEIVED: 08/04/80  JA: WV
 8051426               4700100662 108   CONN NO 1                         APPLACHIAN                12.3 CONSOLIDATED GAS SUP
-R WAYNE CHRISTENSON                        RECEIVED: 08/04/80  JA: WV
 8051427               4704121684 108   FISHER #1                         COURT HOUSE DISTRICT      12.0 CONSOLIDATED GAS SUP
-TEXAS INTERNATIONAL PET CORP               RECEIVED: 08/04/80  JA: WV
 8051414               4710900767 108   POCAHONTAS LAND CORP #C-13        BARKERS RIDGE             20.4 CONSOLIDATED GAS SUP
-WACO OIL AND GAS CO INC                    RECEIVED: 08/04/80  JA: WV
 8051422               4700701237 108   DESPARD #1                                                   3.0 CONSOLIDATED GAS SUP
-WILSON PETROLEUM CORP                      RECEIVED: 08/01/80  JA: WV
 8051199               4703521336 108   G B NORMAN #2-A                   RAVENSWOOD                 3.0 COLUMBIA GAS TRANSMI
 8051198               4703521359 108   G B NORMAN #4-A                   RAVENSWOOD                 3.0 COLUMBIA GAS TRANSMI
 8051197               4703521367 108   G B NORMAN #5-A                   RAVENSWOOD                 3.0 COLUMBIA GAS TRANSMI
 8051200               4703521368 108   G B NORMAN #6-A                   RAVENSWOOD                 3.0 COLUMBIA GAS TRANSMI
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  WYOMING OIL & GAS CONSERVATION COMMISSION
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-AMOCO PRODUCTION CO                        RECEIVED: 08/04/80  JA: WY
 8051387  NG-60-80     4902320295 103   CHAMPLIN 149 AMOCO I #1           BRUFF                    300.0 CITIES SERVICE GAS C
 8051393  NG 66-80     4903721414 102   CHAMPLIN 220 AMOCO B #1           WILDCAT                   25.0 CITIES SERVICE GAS C
 8051385  NG 81-80     4903721173 102   CHAMPLIN 270 AMOCO B #1           SENTINEL RIDGE            55.0 CITIES SERVICE GAS C
 8051395  NG 64-80     4900720466 102   CHAMPLIN 276 AMOCO E #1           ECHO SPRINGS             140.0 CITIES SERVICE GAS C
 8051389  NG 75-80     4902320184 102   CHAMPLIN 316 AMOCO A #1           OPAL BENCH                60.0 CITIES SERVICE GAS C
 8051394  NG65-80      4903720846 102   CHAMPLIN 345 AMOCO A #1           LEWIS                     23.5 CITIES SERVICE GAS C
 8051396  NG 63-80     4903721027 102   CHAMPLIN 535 AMOCO A #1           WILDCAT                  140.0 CITIES SERVICE GAS C
 8051397  NG 62-80     4903721150 102   CHAMPLIN 573 AMOCO A #1           MAHONEY DRAW               2.5 CITIES SERVICE GAS C
-CHEVRON U S A INC                          RECEIVED: 08/04/80  JA: WY
 8051388B NG 77-80     4904120178 102   PAINTER RESERVOIR UNIT 31-31B     PAINTER RESERVOIR        850.0 NORTHERN NATURAL GAS
 8051388  NG-76-80     4904120147 102   PAINTER RESERVOIR UNIT 42-1D      PAINTER RESERVOIR        420.0 NORTHERN NATURAL GAS
 8051388C NG 78-80     4904120148 102   PAINTER RESERVOIR UNIT 42-31B     PAINTER RESERVOIR        900.0 NORTHERN NATURAL GAS
 8051388D NG 79-80     4904120173 102   PAINTER RESERVOIR UNIT 44-1D      PAINTER RESERVOIR        730.0 NORTHERN NATURAL GAS
-CITIES SERVICE COMPANY                     RECEIVED: 08/04/80  JA: WY
 8051386  NG 80-80     4904120223 102   CARPENTER A-2                     YELLOW CREEK              10.0 MOUNTAIN FUEL SUPPLY
-MOBIL OIL CORP                             RECEIVED: 08/04/80  JA: WY
 8051390  NG 73-80     4903721289 103   STATE-GILBERT NO T66-16S(A)       DESERT SPRINGS           370.0 COLORADO INTERSTATE
-TEXAS OIL & GAS CORP                       RECEIVED: 08/04/80  JA: WY
 8051392  NG 67-80     4903721598 102   ANTELOPE FLATS STATE #1           WILDCAT                  182.5
-W A MONCRIEF                               RECEIVED: 08/04/80  JA: WY
 8051391  NG68-80      4901320708 107   LYSITE 7-1                        WILDCAT                 2920.0
-WEXPRO COMPANY                             RECEIVED: 08/04/80  JA: WY
 8051384  NG 82-80     4900921610 102   SPEARHEAD RANCH UNIT NC 19        SPEARHEAD RANCH          182.5 MOUNTAIN FUEL SUPPLY

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** U.S. GEOLOGICAL SURVEY - METAIRIE,LA
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-C&K MARINE PRODUCTION COMPANY              RECEIVED: 08/01/80  JA:     3
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                                                                                     VOLUME  268          PAGE  013
JD NO    JA DKT       API NO       SEC D WELL NAME                              FIELD NAME                PRCD   PURCHASER
-----    ------       ------       --- - ---------                              ----------                ----   ---------
 8051349  GO-1413     1770440465 102   EAST CAMERON BLK 237 WELL NO 1           EAST CAMERON               0.0
-EXXON CORPORATION                     RECEIVED:  08/01/80  JA:      3
 8051348  GO-1449     1770940398 102   OCS-G 3331 NO A-7                        EUGENE ISLAND              4.0 COLUMBIA GAS TRANS C
-TRANSCO EXPLORATION COMPANY           RECEIVED:  08/01/80  JA:      3
 8051347  GO-1427     1770240582 102   A-17                                     WEST CAMERON               2.5 TRANSCONTINENTAL GAS
 8051346  GO-1426     1770240568 102   A-18                                     WEST CAMERON               3.7 TRANSCONTINENTAL GAS
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** U.S. GEOLOGICAL SURVEY - CASPER,WY
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-COSEKA RESOURCES (USA) LIMITED        RECEIVED:  08/01/80  JA: CO  5
 8051360  CC-1320-9   0504506173 102   TAIGA FEDERAL 2-T-2                      WILDCAT                   57.0 NORTHWEST PIPELINE C
 8051367  CC 1380-9   0510384270 102   #16-20-4-102                             THUNDER                  205.0 NORTHWEST PIPELINE C
 8051368  CC 1378-9   0510382600 102   17-D-23-4-103                            WILDCAT                   59.0 NORTHWEST PIPELINE C
-NORTHWEST EXPLORATION COMPANY          RECEIVED:  08/01/80  JA: CO  5
 8051366  CC1053-9B   0510308061 108   PHILADELPHIA CREEK #13                   CATHEDRAL                  7.0 NORTHWEST PIPELINE C
 8051364  CC 1048-9A  0510308066 103   PHILADELPHIA CREEK #18                   CATHEDRAL                 10.0 NORTHWEST PIPELINE C
 8051365  CC1048-9B   0510308066 108   PHILADELPHIA CREEK #18                   CATHEDRAL                 10.0 NORTHWEST PIPELINE C
-ENERGETICS INC                        RECEIVED:  08/01/80  JA: MT  5
 8051351  M-1046-9    2500521388 108   FEDERAL 22X-20                           SAWTOOTH MOUNTAIN          3.7 MONTANA POWER CO
-FALCON-COLORADO EXPLORATION INC       RECEIVED:  08/01/80  JA: MT  5
 8051369  M 1367-9    2507171683 102   1-28 MAVENCAMP                           SWANSON CREEK             14.3 MONTANA-DAKOTA UTILI
-MIDLANDS GAS CORPORATION              RECEIVED:  08/01/80  JA: MT  5
 8051353  M-1010-9    2507121449 108   1870 #1 FEDERAL                          BOWDOIN                   12.0 KANSAS-NEBRASKA NATU
-SOUTHLAND ROYALTY CO                  RECEIVED:  08/01/80  JA: MT  5
 8051362  M-1339-9    2507121693 103   FEDERAL 1-8-52NE                         BOWDOIN-LORING            36.0 KANSAS NEBRASKA NATU
-BOWERS OIL & GAS EXPLORATION INC      RECEIVED:  08/01/80  JA: UT  5
 8051363  UC 1279-9   4301930411 103   BOWERS FEDERAL WELL #1-6                 SEC 6 T20S R24E SLB&M CI  20.0 NORTHWEST PIPELINE C
-AMOCO PRODUCTION CO                   RECEIVED:  08/01/80  JA: WY  5
 8051359  W1317-9     4903721252 102   USA AMOCO T #1                           FIVE MILE GULCH           58.0 CITIES SERVICE GAS C
 8051354  W-1355-9    4902320286 102   WHISKEY BUTTES UNIT WELL #12             WHISKEY BUTTES UNIT      200.0 CITIES SERVICE GAS C
-BELCO PETROLEUM CORPORATION           RECEIVED:  08/01/80  JA: WY  5
 8051358  W-1321-9    4903520518 103   GRBU 59-7 20518                          GREEN RIVER BEND UNIT    120.0 NORTHWEST PIPELINE C
 8051370  W-1322-9    4903520520 103   GRBU 60-17 20520                         GREEN RIVER BEND UNIT    402.0 NORTHWEST PIPELINE C
 8051357  W-1323-9    4903520534 103   GRBU 68-30 20534                         GREEN RIVER BEND UNIT    636.0 NORTHWEST PIPELINE C
 8051356  W-1325-9    4903520535 103   GRBU 69-19 20535                         GREEN RIVER BEND UNIT    311.0 NORTHWEST PIPELINE C
 8051350  W1216-9     4903520443 102   SADDLE RIDGE BNG 100-33 20443            SADDLE RIDGE               0.0 NORTHWEST PIPELINE C
 8051355  W-1325-9    4304730549 103   STAGECOACH 14-34 30549                   STAGECOACH                67.0 NORTHWEST PIPELINE C
-ENERGETICS INC                        RECEIVED:  08/01/80  JA: WY  5
 8051352  W-1044-9    4903721002 102   #32-27 FEDERAL                                                    103.0 COLORADO INTERSTATE
-SINCLAIR OIL CORPORATION              RECEIVED:  08/01/80  JA: WY  5
 8051361  W-1349-9    4900720431 103   SINCLAIR/HAMILTON FEDERAL 34-1           BLUE GAP                 291.0 COLORADO INTERSTATE
OTHER PURCHASERS
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8051317    COLUMBIA GAS TRANS CORP
8051374    WESTERN GAS PROCESSORS LTD
8051375    WESTERN GAS PROCESSORS LTD
8051376    WESTERN GAS PROCESSORS LTD
8051377    WESTERN GAS PROCESSORS LTD
8051378    AMINOIL USA
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BILLING CODE 6450-85-C

That above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf).

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before October 2, 1980.

Please reference the FERC Number (JD NO) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28431 Filed 9-16-80; 8:45 am]

BILLING CODE 6450-85-M

[Volume 269]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued September 3, 1980.

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JD NO     JA DKT       API NO     SEC D WELL NAME                          FIELD NAME                   PROD   PURCHASER
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**************************************************************************************
  TEXAS RAILROAD COMMISSION
**************************************************************************************
-AMERICAN PETROFINA COMPANY OF TEXAS   RECEIVED:  08/04/80  JA: TX
 8051765   15834       4205730904 103   IRMA MAE SMITH #3-L                  SHERIFF EAST (9400)          92.0 UNITED TEXAS GAS TRA
-AMOCO PRODUCTION CO                   RECEIVED:  08/04/80  JA: TX
*8051940   17172       4203931427 103   A R SCOTT #5                         HASTINGS WEST                 6.0 TEXAS EASTERN TRANSM
 8051941   07174       4218930314 103   ANTON IRISH CLEARFORK UNIT #422      ANTON IRISH                   1.0 PIONEER NATURAL GAS
 8051822   16607       4227930214 103   ANTON IRISH CLEARFORK UNIT NO 417    ANTON IRISH                   0.3 PIONEER NATURAL GAS
 8051823   16608       4227930213 103   ANTON IRISH CLEARFORK UNIT NO 419    ANTON IRISH                   6.0 PIONEER NATURAL GAS
 8051892   17001       4229530649 103   C L KING A #6                        BRADFORD TONKAWA (OIL)       15.0 PHILLIPS PETROLEUM C
 8051864   16825       4222731772 103   CORA LEE ECHOLS /A/ #14              IATAN EAST/HOWARD/            1.5 GETTY OIL CO
 8051865   16826       4222731792 103   CORA LEE ECHOLS /A/ #15              IATAN EAST/HOWARD/            1.5 GETTY OIL CO
 8051863   16822       4222731735 103   CORA LEE ECHOLS/B/ #11               IATAN EAST/HOWARD/            1.5 GETTY OIL CO
 8051898   17029       4222731786 103   CORA LEE ECHOLS/B/ #19               IATAN EAST /HOWARD/           1.5 GETTY OIL CO
 8051897   17028       4222731595 103   CORA LEE ECHOLS/B/ #3                IATAN EAST /HOWARD/           1.5 GETTY OIL CO
 8051693   14531       4223300000 108   E E WATKINS B #15                    PANHANDLE                     7.0 SKELLY OIL CO
 8051700   15031       4220330628 103   FINDLEY GAS UNIT A #4                WOODLAWN (COTTON VALLEY)    400.0 EAST TEXAS INDUSTRIA
 8051690   14370       4223300000 108   G C PITCHER A #1                     PANHANDLE                     1.2 SKELLY OIL CO
*8051893   17002       4203931458 103   J J MILLER NO 3                      HASTINGS WEST                12.2 TEXAS EASTERN TRANS
 8051824   16610       4248131705 103   J M HALAMICEK NO 8                   MAGNET WITHERS               36.0 AMOCO GAS CO
 8051854   16784       4222731848 103   TEX LAND/MTGE CO /A/ R/A /A/ #43     IATAN EAST/HOWARD/            1.5 GETTY OIL CO
 8051857   16787       4222731846 103   TEX LAND/MTGE CO /A/ R/A /A/ #64     IATAN EAST/HOWARD/            1.5 GETTY OIL CO
 8051858   16788       4222731845 103   TEX LAND/MTGE CO /A/ R/A /A/ #66     IATAN EAST/HOWARD/            1.5 GETTY OIL CO

 8051967   24165       4222731841 103   TEX LAND/MTGE CO /A/ R/A /A/ #91     IATAN EAST/HOWARD/            1.5 GETTY OIL CO
 8051855   16785       4222731746 103   TEX LAND/MTGE CO /A/ R/A /B/ #62     IATAN EAST/HOWARD/            1.5 GETTY OIL CO
 8051856   16786       4222731832 103   TEX LAND/MTGE CO /A/ R/A /B/ #63     IATAN EAST/HOWARD/            1.5 GETTY OIL CO
 8051859   16790       4222731836 103   TEX LAND/MTGE CO /A/ R/A /B/ #85     IATAN EAST/HOWARD/            1.5 GETTY OIL CO
 8051860   16791       4222731834 103   TEX LAND/MTGE CO /A/ R/A /B/ #86     IATAN EAST/HOWARD/            1.5 GETTY OIL CO
 8051861   16792       4222731833 103   TEX LAND/MTGE CO /A/ R/A /B/ #87     IATAN EAST/HOWARD/            1.5 GETTY OIL CO
 8051900   17031       4222731725 103   TEX LAND/MTGE CO /A/R/A/B #41        IATAN EAST/HOWARD/            1.5 GETTY OIL CO
 8051899   17030       4222731171 103   TEX LAND/MTGE CO /A/R/A/B/ #37       IATAN EAST/HOWARD/            1.5 GETTY OIL CO
 8051902   17034       4222731935 103   TEX LAND/MTGE CO /A/R/A/B/ #61       IATAN EAST/HOWARD/            1.5 GETTY OIL CO
 8051901   17033       4222731838 103   TEX LAND/MTGE CO /A/R/A/B/ #75       IATAN EAST/HOWARD/            1.5 GETTY OIL CO
 8051862   16793       4222731842 103   TEX LAND/MTGE CO/A/R/A/A/ #88        IATAN EAST/HOWARD/            1.5 GETTY OIL CO
 8051866   16944       4222731768 103   TEX LAND/MTGE CO/A/R/A/A/ #89        IATAN EAST/HOWARD/            1.5 GETTY OIL CO
 8051903   17036       4213533117 103   W F COWDEN C UPPER R/A G NO 66       GOLDSMITH N (SAN ANDRES     365.0 PHILLIPS PETROLEUM C
-ARCO OIL AND GAS COMPANY              RECEIVED:  08/04/80  JA: TX
 8051770   15953       4207901729 108   BUCKSHOT UNIT #127                   BUCKSHOT 4950 SAND            1.0 WARREN PETROLEUM CO
 8051771   15954       4207902290 108   BUCKSHOT UNIT #131                   BUCKSHOT 4950 SAND            1.1 WARREN PETROLEUM COM
 8051772   15955       4207902349 108   BUCKSHOT UNIT #135                   BUCKSHOT 4950 SAND            0.8 WARREN PETROLEUM COM
 8051773   15956       4207900831 108   BUCKSHOT UNIT #137                   BUCKSHOT 4950 SAND            1.4 WARREN PETROLEUM CO
 8051774   15957       4207900530 108   BUCKSHOT UNIT #147                   BUCKSHOT 4950 SAND            8.0 WARREN PETROLEUM CO
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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8051775	15958	4207902285	108		BUCKSHOT UNIT #151	BUCKSHOT 4950 SAND	0.8	WARREN PETROLEUM CO
8051776	15959	4207901272	108		BUCKSHOT UNIT #156	BUCKSHOT 4950 SAND	0.9	WARREN PETROLEUM CO
8051777	15960	4207900320	108		BUCKSHOT UNIT #194	BUCKSHOT 4950 SAND	0.8	WARREN PETROLEUM CO
8051778	15961	4207900321	108		BUCKSHOT UNIT #195	BUCKSHOT 4950 SAND	1.2	WARREN PETROLEUM CO
8051779	15962	4207901748	108		BUCKSHOT UNIT #229	BUCKSHOT 4950 SAND	0.9	WARREN PETROLEUM COM
8051780	15963	4207901742	108		BUCKSHOT UNIT #264	BUCKSHOT 4950 SAND	0.7	WARREN PETROLEUM CO
8051781	15965	4207901717	108		BUCKSHOT UNIT #306	BUCKSHOT 4950 SAND	0.8	WARREN PETROLEUM COM
8051782	15968	4207901780	108		BUCKSHOT UNIT #424	BUCKSHOT 4950 SAND	1.0	WARREN PETROLEUM CO
8051783	15969	4207901778	108		BUCKSHOT UNIT #425	BUCKSHOT 4950 SAND	0.9	WARREN PETROLEUM CO
8051784	15970	4207901779	108		BUCKSHOT UNIT #445	BUCKSHOT 4950 SAND	0.9	WARREN PETROLEUM CO
8051785	15971	4207901268	108		BUCKSHOT UNIT #469	BUCKSHOT 4950 SAND	0.9	WARREN PETROLEUM CO
8051687	14288	4238310966	108		C H SUGG WELL #2	CALVIN DEAN	12.8	UNION TEXAS PETROLEU
8051648	06318	4243531976	103		DAVIS G H GAS UNIT NO 3	SONORA (CANYON UPPER)	300.0	LONE STAR GAS CO
8051685	14019	4200305015	108		EMMA SAN ANDRES UNIT 13-2	EMMA	3.5	EL PASO NATURAL GAS
8051847	16767	4229530665	103		FRED LOESCH #2	BRADFORD (CLEVELAND)	36.5	TRANSWESTERN PIPELIN
8051738	15461	4213504602	108		GOLDSMITH CUMMINS DEEP UNIT #102	GOLDSMITH (5600)	6.0	PHILLIPS PETROLEUM C
8051729	15452	4213500122	108		GOLDSMITH CUMMINS DEEP UNIT #20	GOLDSMITH (5600)	6.5	PHILLIPS PETROLEUM C
8051730	15453	4213500016	108		GOLDSMITH CUMMINS DEEP UNIT #21	GOLDSMITH (5600)	5.0	PHILLIPS PETROLEUM C
8051731	15454	4213500325	108		GOLDSMITH CUMMINS DEEP UNIT #23	GOLDSMITH (5600)	1.2	PHILLIPS PETROLEUM C
8051728	15450	4213500029	108		GOLDSMITH CUMMINS DEEP UNIT #6	GOLDSMITH (5600)	7.5	PHILLIPS PETROLEUM C
8051732	15455	4213500206	108		GOLDSMITH CUMMINS DEEP UNIT #67	GOLDSMITH (5600)	8.2	PHILLIPS PETROLEUM C
8051733	15456	4213500321	108		GOLDSMITH CUMMINS DEEP UNIT #77	GOLDSMITH (5600)	10.5	PHILLIPS PETROLEUM C
8051734	15457	4213500323	108		GOLDSMITH CUMMINS DEEP UNIT #78	GOLDSMITH (5600)	9.0	PHILLIPS PETROLEUM C
8051735	15458	4213500322	108		GOLDSMITH CUMMINS DEEP UNIT #80	GOLDSMITH (5600)	4.5	PHILLIPS PETROLEUM C
8051736	15459	4213505477	108		GOLDSMITH CUMMINS DEEP UNIT #91	GOLDSMITH (5600)	5.5	PHILLIPS PETROLEUM C
8051737	15460	4213504607	108		GOLDSMITH CUMMINS DEEP UNIT #93	GOLDSMITH (5600)	9.5	PHILLIPS PETROLEUM C
8051709	15217	4213500048	108		H F CUMMINS A WELL #2	GOLDSMITH (5600)	6.5	PHILLIPS PETROLEUM C
8051647	06317	4223530769	103		J R SCOTT A 36 WELL NO 2-L	ELA SUGG (WOLFCAMP)	20.0	J L DAVIS
8051787	16025	4223500453	108		KETCHUM MOUNTAIN CLFK UNIT #48-14	KETCHUM MOUNTAIN	3.0	J L DAVIS
8051789	16026	4223500452	108		KETCHUM MOUNTAIN CLFK UNIT #49-2	KETCHUM MOUNTAIN	10.0	J L DAVIS
8051789	16027	4223510054	108		KETCHUM MOUNTAIN CLFK UNIT #50-4	KETCHUM MOUNTAIN	3.0	J L DAVIS
8051686	14287	4238300125	108		MARY H CHASE WELL #2	CALVIN (DEAN)	8.8	UNION TEXAS PETROLEU
8051752	15609	4213520905	108		WILLIAMSON (S A) UNIT #C-1	GOLDSMITH WEST	1.8	SHELL OIL CO
-BARON COMPANY INC					RECEIVED: 08/04/80 JA: TX			
8051638	02902	4236731011	103		LAMAR	TOTO (CADDO CONGLOMERATE	150.0	LONE STAR GAS CO
-BASS ENTERPRISES PRODUCTION CO					RECEIVED: 08/04/80 JA: TX			
8051921	17127	4249531088	103		BEN JENKINS ET AL A NO 14	KEYSTONE (COLBY)	11.0	TRANSWESTERN PIPELIN
8051708	015197	4221932646	103		R L SLAUGHTER JR TR 33 NO 41-A	SLAUGHTER	3.0	AMOCO PRODUCTION CO
-BILL FORNEY INC					RECEIVED: 08/04/80 JA: TX			
8051681	13451	4229731854	102		A H STEINMEYER 1A-U	CHARLINE (FORNEY 48)	110.0	TRANSCONTINENTAL GAS
8051681	13451	4229731854	103		A H STEINMEYER 1A-U	CHARLINE (FORNEY 48)	110.0	TRANSCONTINENTAL GAS
-BRENNAN ENERGY INC					RECEIVED: 08/04/80 JA: TX			
8051848	16768	4242932131	103		ALLAR COMPANY #1	STEPHENS COUNTY REGULAR	25.9	LONE STAR GAS CO
8051849	16769	4242932130	103		THOMAS FRANK C	STEPHENS COUNTY REGULAR	25.2	LONE STAR GAS CO
-BROTHERTON PRODUCTION CO					RECEIVED: 08/04/80 JA: TX			
8051656	08247	4238300000	103		UNIVERSITY 17 #4	AMIGO (SAN ANDRES)	0.0	BIG LAKE GAS CORP
-BUTTES RESOURCES CO					RECEIVED: 08/04/80 JA: TX			
8051671	11091	4216130397	102		N B HUNT #1	DONIE (PETTIT) FIELD	112.0	TEXAS UTILITIES FUEL
-CABANA OIL CORP					RECEIVED: 08/04/80 JA: TX			
8051761	15691	4241300000	103		SPENCE ESTATE NO 3	JAN-JERRYE SE	480.0	PGP GAS PRODUCTS INC
-CASHCO ENERGY CORPORATION					RECEIVED: 08/04/80 JA: TX			
8051654	07681	4218500000	102		FLORA I JOHNSON NO S-1	CASHCO (AUSTIN CHALK)	36.0	ARMOUR PIPE LINE CO

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8051641	03926	4218530199	102		J M MCDOUGALD NO 1	IOLA (GLEN ROSE B)	500.0	LONE STAR GAS CO
8051640	03918	4218530198	102		M B SANDERS NO 1	IOLA (GLEN ROSE B)	365.0	
-CENTEX OIL & GAS INC					RECEIVED: 08/04/80 JA: TX			
8051697	14871	4270830225	103		HIGH ISLAND BLOCK 10-L WELL #4	HIGH ISLAND BLOCK 10-L G	0.0	TRANSCONTINENTAL GAS
-CENTURY OIL MANAGEMENT INC					RECEIVED: 08/04/80 JA: TX			
8051867	16848	4204331497	103		CULBERSON #1 - ID 15025	BROWN COUNTY REGULAR	7.2	LONE STAR GAS CO
-CHASE PRODUCTION CO					RECEIVED: 08/04/80 JA: TX			
8051657	08261	4217900000	108		P A COOMLY #9	PANHANDLE	0.5	PHILLIPS PET CO
-CHEVRON U S A INC					RECEIVED: 08/04/80 JA: TX			
8051644	05535	4233531341	103		W L FOSTER 1 #44	IATAN EAST (HOWARD)	1.0	GETTY OIL CO
-CICO OIL & GAS CO					RECEIVED: 08/04/80 JA: TX			
8051966	19236	4212331024	102		WM C FOSTER WELL NO 3	MOONEY E (YEGUA 5450)	250.0	LOVACA GATHERING CO
-CITIES SERVICE COMPANY					RECEIVED: 08/04/80 JA: TX			
8051676	12506	4223300000	108		COCKRELL L #4	PANHANDLE - HUTCHINSON	1.1	GETTY OIL CO
-CONOCO INC					RECEIVED: 08/04/80 JA: TX			
8051665	10258	4243300000	108		ARTHUR BRINKLEY JR-A(04263) #2	FLOWERS/CANYON/	0.3	CITIES SERVICE OIL C
8051646	05814	4213532969	103		EAST COWDEN (GRAYBURG) UNIT	COWDEN NORTH	7.3	AMOCO PRODUCTION CO
8051947	17725	4222700000	108		H R CLAY A #13 ID #02691	HOWARD GLASSCOCK	0.1	PHILLIPS PETROLEUM C
8051948	17726	4222700000	108		H R CLAY A #27 ID #02691	HOWARD GLASSCOCK	0.1	PHILLIPS PETROLEUM C
8051949	17727	4222700000	108		H R CLAY A #29 ID #02691	HOWARD GLASSCOCK	0.1	PHILLIPS PETROLEUM C
8051950	17728	4222700000	108		H R CLAY A #30 ID #02691	HOWARD GLASSCOCK	0.1	PHILLIPS PETROLEUM C
8051664	10145	4222700000	108		H R CLAY(02690) #14	HOWARD-GLASSCOCK	0.3	PHILLIPS PETROLEUM C
-CONSOLIDATED OIL & GAS INC					RECEIVED: 08/04/80 JA: TX			
8051753	015615	4247900000	108		MCKENDRICK 1-A	LAREDO S (QUEEN CITY)	19.0	LOVACA GATHERING CO
-CROWN GAS CO					RECEIVED: 08/04/80 JA: TX			
8051828	16663	4219530663	103		WILBANKS #1 (83010)	HANSFORD (MORROW MIDDLE)	500.0	NORTHERN NATURAL GAS
-CRYSTAL OIL COMPANY					RECEIVED: 08/04/80 JA: TX			
8051894	17024	4236530779	103		LIZZIE GRIFFIN ET AL #4	PANOLA	11.0	UNITED GAS PIPELINE
-DANCO RESOURCES INC					RECEIVED: 08/04/80 JA: TX			
8051913	17100	4213331896	103		ABERNATHY #1 -ID-15232	FOSTER (MARBLE FALLS)	18.2	ODESSA NATURAL CORP
8051914	17101	4213331896	103		ABERNATHY #2-ID 15232	FOSTER (MARBLE FALLS)	36.5	ODESSA NATURAL CORP
-DAVIS OIL COMPANY					RECEIVED: 08/04/80 JA: TX			
8051962	18945	4223931405	102		JANELLE PARIS UNIT #1	APPLING POINT F-23	63.0	ALUMINUM CO OF AMERI
8051961	18481	4203900000	102		MABEL R GLASCOCK #1	COLLINS LAKE S (FRIO 965	288.0	HOUSTON PIPE LINE CO
-DIAMOND SHAMROCK CORPORATION					RECEIVED: 08/04/80 JA: TX			
8051743	15498	4236731019	103		BYERS NO 1	RENO	66.0	SOUTHWESTERN GAS PIP
8051818	16577	4239330703	103		FRANK M CHAMBERS C NO 3	MENDOTA NW (GRANITE WASH	216.0	
8051742	15497	4236730861	103		JOSEPH C MOOREFIELD ET AL NO 1	GRANT	26.0	SOUTHWESTERN GAS PIP
8051741	15496	4236700000	103		JOSEPH C MOOREFIELD ET AL NO 2	RENO	364.0	SOUTHWESTERN GAS PIP
8051819	16579	4229530655	103		LEROY BECKER JR ET AL A NO 2	BRADFORD (CLEVELAND)	10.0	
8051922	17132	4217330453	103		STEVE CALVERLY JR B NO 2	BLALOCK LAKE EAST (WOLFC	30.0	
8051923	17133	4217330887	103		STEVE CALVERLY JR B NO 3	BLALOCK LAKE EAST (WOLFC	30.0	
-DINERO OIL CO					RECEIVED: 08/04/80 JA: TX			
8051767	15904	4228330664	103		MARGARET ANN ZIMMERMAN #1	LOS ANGELES (W-424)	300.0	LOVACA GATHERING CO
8051790	16048	4202531148	103		OELSCHLEGEL GAS UNIT WELL #1	TYNAN (FRIO 3700 LO)	300.0	LOVACA GATHERING CO
-DISCOVERY OPERATING INC					RECEIVED: 08/04/80 JA: TX			
8051677	12871	4241330706	102		BAILEY #1	GWYN (CANYON) FIELD	36.0	NORTHERN NATURAL GAS
-DIXON DRILLING CO					RECEIVED: 08/04/80 JA: TX			
8051942	17210	4209330633	103		ROBERTSON HEIRS NO 1	BBB & C BLK 3 (MARBLE FA	200.0	ENERGY PIPELINE CORP
-ECHO PRODUCTION INC					RECEIVED: 08/04/80 JA: TX			
*8051917	17114	4249731428	103		HETTYE HENSON 1-A	YOUNGER W (CADDO CONGL L	290.0	TEXAS UTILITIES FUEL
*8051918	17115	4249731429	103		REEVES #1 RRC #19494	YOUNGER W (CADDO CONGL L	300.0	TEXAS UTILITIES FUEL

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JD NO	JA DKT	API NO	SEC	D WELL NAME	FIELD NAME	PROD	PURCHASER
*8051919	17116	4249731337	103	STOCKARD #1	YOUNGER W (CADDO CONGL L	300.0	TEXAS UTILITIES FUEL
*8051920	17117	4249731400	103	THOMAS UNIT #1	YOUNGER W (CADDO CONGL L	279.0	TEXAS UTILITIES FUEL
-EDWIN L COX				RECEIVED: 08/04/80 JA: TX			
8051739	15466	4212330966	103	ANGERSTEIN #3-U	COTTONWOOD CREEK SOUTH	180.0	LONE STAR GAS CO
-EL RAN INC				RECEIVED: 08/04/80 JA: TX			
8051694	14536	4236300000	108	GREEN #1	GRAFORD	19.0	LONE STAR GAS CO
-ENERGY RESERVES GROUP INC				RECEIVED: 08/04/80 JA: TX			
8051895	17025	4223300000	108	BOST #1 RC	PANHANDLE WEST	18.0	COLORADO INTERSTATE
8051896	17026	4223300000	108	BOST #3 RC	PANHANDLE WEST	14.0	COLORADO INTERSTATE
-ENTERPRISE RESOURCES INC				RECEIVED: 08/04/80 JA: TX			
*8051963	19027	4208930995	102	BAYOU PROPERTIES GAS UNIT #2	BERNARDO RANCH (10475)	150.0	SOUTH JERSEY EXPLORA
*8051964	19028	4208930926	102	BROD GAS UNIT #1	BERNARDO RANCH (9240)	146.0	SOUTH JERSEY EXPLORA
-ESTATE OIL & GAS CORP				RECEIVED: 08/04/80 JA: TX			
8051955	18191	4220330542	102	IVY WILLIAMS HEIRS GAS UNIT NO 1	LANSING NORTH (TRAVIS-PE	51.0	TEJAS GAS CORP
8051956	18192	4220330636	102	MARGARET SUGGS GAS UNIT NO 1 82235	LANSING NORTH (TRAVIS-PE	1044.0	TEJAS GAS CORP
-EXXON CORPORATION				RECEIVED: 08/04/80 JA: TX			
8051702	15051	4216531592	103	EXXON FEE EUBANKS BA #10	ROBERTSON N (CLEARFORK 7	13.0	PHILLIPS PETROLEUM C
8051703	15052	4216531569	103	EXXON FEE EUBANKS BA #7	ROBERTSON N (CLEARFORK 7	23.0	PHILLIPS PETROLEUM C
8051871	16877	4247531819	103	JOHN H WILSON TRUSTEE D WELL #1	RHODA WALKER (CANYON 590	52.3	CLAJON GAS CO
8051872	16878	4247531855	103	JOHN H WILSON TRUSTEE D WELL #2	RHODA WALKER (CANYON 590	58.0	CLAJON GAS CO
8051873	16879	4247531878	103	JOHN H WILSON TRUSTEE D WELL #3	RHODA WALKER (CANYON 590	13.5	CLAJON GAS CO
8051874	16880	4247531877	103	JOHN H WILSON TRUSTEE D WELL NO 4	RHODA WALKER (CANYON 590	24.1	CLAYJON GAS CO
8051763	15806	4247330298	103	KATY GAS FIELD CONS UT WELL 4303 D	KATY (IB)	1825.0	UNITED TEXAS TRANSMI
8051769	15906	4235700000	108	M C JONES #2	DUDE WILSON	19.6	TRANSWESTERN PIPE LI
8051663	09177	4226130429	102	MRS S K EAST 94-F 9152	RITA (9-R-II)	50.0	NATURAL GAS PIPELINE
8051663	09177	4226130429	103	MRS S K EAST 94-F 9152	RITA (9-R-II)	50.0	NATURAL GAS PIPELINE
*8051838	16739	4203931351	103	PLEDGER GAS FIELD UNIT #45	PLEDGER (FRIO 6500-6800)	9.9	UNITED TEXAS TRANSMI
8051701	15048	4216531558	103	ROBERTSON (CLEARFORK) UNIT #1142	ROBERTSON N (CLEARFORK 7	68.0	PHILLIPS PETROLEUM C
8051943	17248	4204730712	103	SANTA FE RANCH 42-D (83813)	SANTA FE	30.0	NATURAL GAS PIPELINE
8051951	17941	4213133543	102	V KOHLER A-126 (09399)	VIGGO (QUEEN CITY NO 2)	15.0	TENNESSEE GAS PIPELI
-G M LEHNERTZ				RECEIVED: 08/04/80 JA: TX			
8051691	14480	4220300000	102	#1 HENRY REESE ID # NOT ASSIGNED	L C G (PAGE)	180.0	ARKLA GAS CO
8051692	14481	4220300000	102	MITCHELL HEIRS 033005	L C G (PAGE)	180.0	ARKLA GAS CO
-GAS PRODUCING ENTERPRISES INC				RECEIVED: 08/04/80 JA: TX			
8051924	17134	4237530678	103	BIVINS 35-3S	WEST PANHANDLE (RED CAVE	10.0	COLORADO INTERSTATE
8051794	16379	4237530679	103	BIVINS 55-1S	WEST PANHANDLE (RED CAVE	134.0	COLORADO INTERSTATE
-GENERAL OPERATING COMPANY				RECEIVED: 08/04/80 JA: TX			
8051659	08725	4223700000	108	C C CHAMBERS A #1 RRC ID 51097	BRYSON (CONGLOMERATE)	10.9	LONE STAR GAS CO
8051660	08727	4249700000	108	MCDONALD UNIT #1 RRC ID 66488	PARK SPRINGS (CONGLOMERA	9.0	CITIES SERVICE CO
-GETTY OIL COMPANY				RECEIVED: 08/04/80 JA: TX			
8051808	16442	4210300000	103	NORTH MCELROY UNIT WELL NO 3222	MCELROY	11.0	PHILLIPS PETROLEUM C
8051809	16443	4210300000	103	NORTH MCELROY UNIT WELL NO 3224	MCELROY	36.0	PHILLIPS PETROLEUM C
8051810	16444	4210300000	103	NORTH MCELROY UNIT WELL NO 3229	MCELROY	6.0	PHILLIPS PETROLEUM C
8051811	16445	4210300000	103	NORTH MCELROY UNIT WELL NO 3231	MCELROY	8.0	PHILLIPS PETROLEUM C
8051699	14991	4207930979	103	XIT UNIT WELL NO 170	LEVELLAND	3.0	CITIES SERVICE CO
-GMW - ONEILL J I JR				RECEIVED: 08/04/80 JA: TX			
8051843	16761	4241300000	108	ANNIE MAE MURPHY #1 55084	CODY BELL (CANYON)	13.2	NORTHERN NATURAL GAS
8051831	16684	4241300000	108	MATTIE ROYSTER #1 56462	PAGE RANCH (CANYON)	14.6	NORTHERN NATURAL GAS
-GRACE PETROLEUM CORPORATION				RECEIVED: 08/04/80 JA: TX			
8051553	07595	4249700000	103	ANN NOBLES #1	BOONESVILLE BEND CONGLOM	12.0	NATURAL GAS PIPELINE
8051683	13560	4249731352	103	J N CARPENTER #1	BOONESVILLE (BEND CONGL	20.0	NATURAL GAS PIPELINE
-GULF OIL CORPORATION				RECEIVED: 08/04/80 JA: TX			
8051825	16616	4247531930	103	HUTCHINGS STOCK ASSN NO 1039	WAGON-WHEEL (PENN)	152.0	CABOT CORP

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8051938	17169	4221932320	103		J O HAYMES NO 1	LEVELLAND (ABO)	1.5	AMOCO PRODUCTION CO
8051925	17136	4250530391	108		J VELA DE PENA NO 1 #65986	CINCO DE MAYO (8500)	7.0	TENNESSEE GAS PIPELI
8051926	17137	4221131083	103		JARVIS #3-213	SW CANADIAN - UPPER MORR	572.0	PIONEER NATURAL GAS
8051850	16772	4247932299	103		P A MACMAHON NO 3 #82526	LAREDO (LOBO) FIELD	109.5	LOVACA GATHERING CO
-H V RISIEN					RECEIVED: 08/04/80 JA: TX			
8051652	07422	4220130901	108		C G HOOKS ET AL NO 19	HOOKS (SHALLOW)	3.7	TRUNKLINE GAS COMPAN
8051651	07230	4220130825	108		C G HOOKS ET AL NO 9	HOOKS (SHALLOW)	6.0	TRUNKLINE GAS CO
8051650	07220	4220100000	108		MERCHANT UNIT #2	HOOKS (SHALLOW)	0.5	TRUNKLINE GAS CO
-HAMMAN OIL & REFINING CO					RECEIVED: 08/04/80 JA: TX			
8051680	13232	4220130898	102		HAMMAN OIL & REFINING COMPANY #4	CYPRESS (Y-9)	75.0	TENNESSEE GAS PIPELI
-HARRISON INTERESTS LTD					RECEIVED: 08/04/80 JA: TX			
8051786	16005	4210532388	102		NO 16 UNIVERSITY LAND 9-32	HOWARDS CREEK (PENN)	110.0	
8051786	16005	4210532388	103		NO 16 UNIVERSITY LAND 9-32	HOWARDS CREEK (PENN)	110.0	
-HARRY L SMITH					RECEIVED: 08/04/80 JA: TX			
8051904	17038	4223931417	102		PATMAN-MAURITZ	MAURITZ EAST	59.0	TEXAS EASTERN TRANSM
-HIGHLAND PRODUCTION CO					RECEIVED: 08/04/80 JA: TX			
8051829	16679	4241300000	108		ROBINSON NO 2 WELL 19097	OTTO (STRAWN)	17.3	ATLANTIC RICHFIELD C
-HIGHLAND RESOURCES INC					RECEIVED: 08/04/80 JA: TX			
8051762	15749	4216130419	103		COOPER WELL NO 1	TEAGUR TOWNSITE (COTTON	365.0	
-HNG OIL COMPANY					RECEIVED: 08/04/80 JA: TX			
8051927	17138	4250530401	108		BRUNI MINERAL TRUST #1 70522	LA PERLA (WILCOX FIRST)	6.0	HOUSTON PIPELINE CO
8051766	15879	4250531003	103		LAUREL STATE #1 79646	LAS OVEJAS (WILCOX 8400)	560.0	HOUSTON PIPELINE CO
8051928	17140	4247930636	108		LUZ HEIN ESTATE #2 57168	LA PERLA (WILCOX FIRST)	7.0	DELHI GAS PIPELINE C
8051795	16402	4241330316	108		MEADOR D #1 65531	SAWYER (CANYON)	5.0	INTRATEX GAS CO
8051796	16403	4241330324	108		MEADOR D #2 66537	SAWYER (CANYON)	18.0	INTRATEX GAS CO
8051798	16405	4241330336	108		MEADOR 178 #1 68121	SAWYER (CANYON)	17.0	INTRATEX GAS CO
8051797	16404	4241330410	108		MEADOR 65 #2 72412	SAWYER (CANYON)	9.0	INTRATEX GAS CO
8051799	16406	4241330330	108		MITTEL 64 #1 68087	SAWYER (CANYON)	2.0	INTRATEX GAS CO
8051800	16407	4241330429	108		MITTEL 64 #3 72235	SAWYER (CANYON)	17.0	INTRATEX GAS CO
8051768	15884	4250530967	102		OSCAR M LAUREL #1 79647	LAS OVEJAS (WILCOX 9100)	880.0	HOUSTON PIPELINE CO
8051929	17141	4247930422	108		PALAFOX EXPLORATION CO #1 54223	TOMAS (OLMOS)	13.0	TEJAS GAS CORP
8051930	17142	4243530907	108		REED 101 #4 65700	SAWYER (CANYON)	20.0	INTRATEX GAS CO
8051801	16408	4243531941	108		SHANNON 51 #2 73665	SAWYER (CANYON)	19.0	INTRATEX GAS CO
8051801	16408	4243531941	103		SHANNON 51 #2 73665	SAWYER (CANYON)	19.0	INTRATEX GAS CO
8051802	16409	4243531088	108		SHURLEY 111 #2 63987	SAWYER (CANYON)	6.0	INTRATEX GAS CO
8051803	16410	4243531956	108		SIMMONS 71 #2 73431	SAWYER (CANYON)	15.0	INTRATEX GAS CO
8051803	16410	4243531956	103		SIMMONS 71 #2 73431	SAWYER (CANYON)	15.0	INTRATEX GAS CO
8051804	16411	4243531930	103		SIMMONS 72 #1 73453	SAWYER (CANYON)	4.0	INTRATEX GAS CO
8051804	16411	4243531930	108		SIMMONS 72 #1 73453	SAWYER (CANYON)	4.0	INTRATEX GAS CO
8051805	16412	4213730254	108		STEWART 4 #1 60893	SAWYER (CANYON)	5.0	INTRATEX GAS CO
8051931	17143	4250530242	108		SULLIVAN-HEIN #1 57169	LA PERLA (WILCOX FIRST)	2.0	HOUSTON PIPELINE CO
8051932	17144	4247930403	108		TULLY C GARNER #3 53554	TOM WALSH (OLMOS)	21.0	HOUSTON PIPELINE CO
8051933	17145	4247930942	108		TULLY C GARNER #7 64215	TOM WALSH (OLMOS)	5.0	HOUSTON PIPELINE CO
8051806	16413	4243531980	103		WALLACE 77 #2 75054	SAWYER (CANYON)	3.0	INTRATEX GAS CO
8051806	16413	4243531980	108		WALLACE 77 #2 75054	SAWYER (CANYON)	3.0	INTRATEX GAS CO
-HOWELL DRILLING INC					RECEIVED: 08/04/80 JA: TX			
8051830	16680	4212331001	103		A G GARRETT WELL NC 1	HELEN GOHLKE	70.0	
-HYDROC OIL CO					RECEIVED: 08/04/80 JA: TX			
8051667	10592	4223300000	108		HERRING #1 WELL	WEST PANHANDLE FIELD	29.0	CITIES SERVICE OIL C
8051666	10591	4223300000	108		HERRING #2 WELL	WEST PANHANDLE FIELD	29.0	CITIES SERVICE OIL C
8051668	10593	4223300000	108		HERRING #3 WELL	WEST PANHANDLE FIELD	29.0	CITIES SERVICE OIL C
-J M HUBER CORPORATION					RECEIVED: 08/04/80 JA: TX			

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8051945	17312	4223300000	108		RILEY A NO 13	WEST PANHANDLE	10.0	COLORADO INTERSTATE
8051946	17314	4223300000	108		SANFORD M NO 2	WEST PANHANDLE	18.0	COLORADO INTERSTATE
-JAMES M FORGOTSON					RECEIVED: 08/04/80 JA: TX			
8051934	17146	4240100000	108		LEOLA WATERS 58088	TATUM SW (HOSSTON-COTTON	10.0	HYDROCARBON TRANSFER
8051935	17147	4220300000	108		MARY L TORRANS 58020	HARLETON EAST (TRANSITIO	15.0	EAST TEXAS INDUSTRIA
-JERRY E WYLIE OIL DRILLING COMPANY					RECEIVED: 08/04/80 JA: TX			
8051816	16508	4209330639	103		B G THOMAS B #3 (83366)	DUSTER NE (MARBLE FALLS	31.2	LONE STAR GAS CO
-JOHN L COX					RECEIVED: 08/04/80 JA: TX			
8051662	08978	4246131386	103		ATM NO 1 RRC #07739	OLD UPLAND (BEND)	25.0	PHILLIPS PETROLEUM C
-JOHN R THOMPSON OPERATING INC					RECEIVED: 08/04/80 JA: TX			
8051764	15825	4240931311	103		HODGES ESTATE NO 1 WELL	HODGES (3485 FRIO)	100.0	LOVACA GATHERING CO
8051754	15627	4240931313	103		MAEDGEN & SONS INC NO 1 WELL	MAEDGEN (4680 FRIO)	100.0	UNITED GAS PIPE LINE
-KARL WEHMEYER & ASSOCIATES LTD					RECEIVED: 08/04/80 JA: TX			
8051669	10953	4229700000	102		NO 2 JOSEPHINE MCCLELLAND	SUNRISE (QUEEN CITY)	350.0	
-KERR-MCGEE CORPORATION					RECEIVED: 08/04/80 JA: TX			
8051905	17041	4223330712	103		COCKRELL NO 19	PANHANDLE-HUTCHINSON	2.7	GETTY OIL CO
-KILROY CO OF TX INC					RECEIVED: 08/04/80 JA: TX			
8051688	14351	4220130911	102		ATLAS REALTY COMPANY NO 1-L	SATSUMA (6850)	17.0	UNITED TEXAS TRANSMI
8051689	14352	4220130911	102		ATLAS REALTY COMPANY NO 1-U	SATSUMA (6800)	12.0	UNITED TEXAS TRANSMI
-KIMBALL PRODUCTION COMPANY					RECEIVED: 08/04/80 JA: TX			
8051833	16687	4223300000	108		SMITH SEC 10-R NO 11	PANHANDLE	5.1	PHILLIPS PETROLEUM C
8051832	16686	4223300000	108		SMITH SEC 10-R NO 12	PANHANDLE	5.1	PHILLIPS PETROLEUM C
-L N H OIL CO					RECEIVED: 08/04/80 JA: TX			
8051684	13563	4213500000	108		J L JOHNSON JR ET AL NO 1 WELL	DONNELLY NORTH (GRAYBURG	16.9	PHILLIPS PETROLEUM C
-LOGUE AND PATTERSON INC					RECEIVED: 08/04/80 JA: TX			
8051875	16887	4248100000	102		MITCHELL #1	HUTCHINS-KUBELA	180.0	TRANSCONTINENTAL GAS
-MABEE PETROLEUM CORP					RECEIVED: 08/04/80 JA: TX			
8051672	11124	4233531192	103		BELL NO 18	IATAN E HOWARD	1.0	GETTY OIL CO
-MEADCO PROPERTIES					RECEIVED: 08/04/80 JA: TX			
8051944	17275	4223531384	103		#1 A SUGG 1902 - #83640	ELA SUGG (WOLFCAMP)	53.0	NORTHERN NATURAL GAS
8051682	13464	4223530787	103		#2 SCOTT	ELA SUGG (WOLFCAMP)	10.0	NORTHERN NATURAL GAS
-NEWBOURNE OIL COMPANY					RECEIVED: 08/04/80 JA: TX			
8051792	16054	4229530657	103		TUBB 424 #1 ID #83447	LIPSCOMB (CLEVELAND SOUT	160.0	NORTHERN NATURAL GAS
8051791	16053	4229530656	103		TUBBS 423 #1 ID #83911	S W LIPSCOMB (CLEVELAND)	109.0	NORTHERN NATURAL GAS
-MGF OIL CORP					RECEIVED: 08/04/80 JA: TX			
8051720	015350	4231732072	103		MARY WEBB NO 1	ACKERLY (DEAN SAND)	0.7	TEXACO INC
8051721	015352	4231732070	103		SELF NO 1	TEX-HAMON (DEAN)	2.5	ADOBE OIL & GAS CORP
8051906	17043	4247531922	103		UNIVERSITY 32 NO 1	WAR-WINK (DELAWARE)	29.7	LONE STAR GAS CO
-MITCHELL ENERGY CORPORATION					RECEIVED: 08/04/80 JA: TX			
8051907	17047	4249700000	108		A H PEARSON #1 35072	BOONSVILLE (BEND CONGL)	15.0	NATURAL GAS PIPELINE
8051740	15480	4223732640	103		C T SOUTHERLAND #2 83444	BOONSVILLE (BEND CONGL G	160.0	
8051711	15270	4249731423	103		HOWARD NEWBY #1 82578	BOONSVILLE (BEND CONGL G	40.0	
8051908	17060	4249700000	108		J W MORRIS #1 09525	CHICO W (CONGL 5700)	8.0	NATURAL GAS PIPELINE
8051888	16981	4236731611	103		L W RAGLE #2 84188	DICEY (CONGLOMERATE)	50.0	SOUTHWESTERN GAS PIP
8051793	16188	4249731534	103		LULA JONES #2	BOONSVILLE (BEND CONGL G	400.0	NATURAL GAS PIPELINE
-MOBIL OIL CORP					RECEIVED: 08/04/80 JA: TX			
8051712	15272	4220330488	103		ABNEY GAS UNIT I NO 4 (77198)	WASKOM (COTTON VALLEY LO	73.0	TEJAS GAS CORP
8051713	15273	4220330498	103		ABNEY GAS UNIT II NO 10 (77202)	WASKOM (COTTON VALLEY LO	255.5	TEJAS GAS CORP
8051642	04930	4220330501	102		BLOCKER UNIT NO 1 NO 2 (ID 79633)	BLOCKER (COTTON VALLEY)	109.0	UNITED GAS PIPE LINE
8051714	15274	4231530283	103		DOWNER GAS UNIT NO 8 (73086)	WASKOM (COTTON VALLEY)	328.5	TEJAS GAS CORP
8051715	15276	4220330480	103		REUBEN PIERCE GAS UNIT NO 1 (73540)	WASKOM (COTTON VALLEY)	182.5	TEJAS GAS CORP
-MOODY ENERGY CO					RECEIVED: 08/04/80 JA: TX			

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8051868	16856	4221100000	103		#1 WRIGHT	HUMPHREYS (DOUGLAS)	0.0	NORTHERN NATURAL GAS
-MORAN EXPLORATION INC					RECEIVED: 08/04/80 JA: TX			
8051887	16980	4238300000	108		HUGHES D E #1	SPRABERRY (TREND AREA)	11.3	EL PASO NATURAL GAS
8051882	16975	4223530291	108		J R SCOTT #3	SPRABERRY (TREND AREA)	1.8	NORTHERN NATURAL GAS
8051756	15644	4223530296	108		ROCKER B H NO 1	SPRABERRY (TREND AREA)	0.7	NORTHERN NATURAL GAS
8051755	15643	4223530300	108		ROCKER B H NO 3	SPRABERRY (TREND AREA)	0.7	NORTHERN NATURAL GAS
8051757	15645	4238330474	108		ROCKER B L NO 2	SPRABERRY (TREND AREA)	4.0	NORTHERN NATURAL GAS
8051758	15650	4238330473	108		ROCKER B L NO 7	SPRABERRY (TREND AREA)	4.0	NORTHERN NATURAL GAS
8051759	15651	4238330471	108		ROCKER B L NO 8	SPRABERRY (TREND AREA)	4.0	NORTHERN NATURAL GAS
8051760	15656	4223530362	108		ROCKER B N WELL NO 5	SPRABERRY (TREND AREA)	2.5	NORTHERN NATURAL GAS
8051886	16979	4223530357	108		ROCKER B P #1	SPRABERRY (TREND AREA)	1.5	NORTHERN NATURAL GAS
8051885	16978	4223530358	108		ROCKER B P #2	SPRABERRY (TREND AREA)	1.5	NORTHERN NATURAL GAS
8051884	16977	4223530359	108		ROCKER B P #3	SPRABERRY (TREND AREA)	1.5	NORTHERN NATURAL GAS
8051883	16976	4223530344	108		ROCKER B P #4	SPRABERRY (TREND AREA)	1.5	NORTHERN NATURAL GAS
8051881	16974	4238300000	108		STOUT A #1	SPRABERRY (TREND AREA)	9.1	EL PASO NATURAL GAS
-NORTH CENTRAL OIL CORPORATION					RECEIVED: 08/04/80 JA: TX			
8051658	03397	4249700000	108		D B WHITEHEAD A #3	BOONESVILLE BEND CONGLOM	20.0	NATURAL GAS PIPELINE
-NORTHERN PUMP COMPANY					RECEIVED: 08/04/80 JA: TX			
8051639	03565	4221500000	108		H A HENRY UNIT NO 1 14982	WESLACO NORTH (8900)	21.0	TENNESSEE GAS PIPELI
-ODESSA NATURAL CORPORATION					RECEIVED: 08/04/80 JA: TX			
8051889	16987	4210532282	103		ODESSA ETAL NO 1-1	INGHAM DEVONIAN	0.0	EL PASO NATURAL GAS
-OWL PETROLEUM CO					RECEIVED: 08/04/80 JA: TX			
8051695	14561	4208930918	102		R TAYLOR NO 1-C	LYDIA (3400)	75.0	LONE STAR GAS CO
-PARKER & PARSLEY INC					RECEIVED: 08/04/80 JA: TX			
8051704	15144	4246131427	103		FIRST NATIONAL BANK OF DALLAS #1	SPRABERRY (TREND AREA)	15.0	PHILLIPS PETROLEUM C
8051705	15145	4232930832	103		GOLLADAY B WELL NO 1	SPRABERRY (TREND AREA)	15.0	PHILLIPS PETROLEUM C
8051706	15146	4232930839	103		GOLLADAY C-2 WELL NO 2	SPRABERRY (TREND AREA)	15.0	PHILLIPS PETROLEUM C
-PENNZOIL PRODUCING COMPANY					RECEIVED: 08/04/80 JA: TX			
8051891	16992	4236530711	102		COLLINS UNIT NO 2-C	CARTHAGE/TRAVIS PEAK-COL	182.0	UNITED GAS PIPE LINE
8051670	11070	4235500331	108		J C SPONBERG NO B1	AGUA DULCE	16.0	UNITED GAS PIPE LINE
8051890	16990	4236530869	103		MORGAN UNIT NO 3	CARTHAGE/COTTON VALLEY/	650.0	UNITED GAS PIPE LINE
8051643	05172	4236530768	103		THOMPSON UNIT NO 3-C	CARTHAGE (THOMPSON)	100.0	UNITED GAS PIPE LINE
-PETROLEUM TECHNICAL SERVICE CO					RECEIVED: 08/04/80 JA: TX			
8051744	15527	4213533162	103		E F COWDEN 40 NO 1	COWDEN SOUTH	67.9	ODESSA NATURAL CORP
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 08/04/80 JA: TX			
8051835	16724	4246104343	108		(03913) N PEMBROOK SPRA NO 29-01	SPRABERRY (TREND AREA)	0.4	NORTHERN NATURAL GAS
8051836	16725	4246104352	108		(03913) N PEMBROOK SPRA NO 57-01	SPRABERRY (TREND AREA)	1.3	NORTHERN NATURAL GAS
8051840	16750	4213505693	108		(18713) GLDS ADOBE UNIT NO 13-01	GOLDSMITH (5600)	0.5	EL PASO NATURAL GAS
8051842	16752	4213505594	108		(18713) GLDS ADOBE UNIT NO 37-06	GOLDSMITH (5600)	0.6	EL PASO NATURAL GAS
8051834	16722	4213504489	108		(18713) GLDS ADOBE UNIT NO 6-04	GOLDSMITH (5600)	1.3	EL PASO NATURAL GAS
8051839	16749	4213503669	108		(18713) GLDS ADOBE UNIT 12-05	GOLDSMITH (5600)	0.3	EL PASO NATURAL GAS
8051841	16751	4213503760	108		(18713) GLDS ADOBE UNIT 17-07	GOLDSMITH (5600)	0.8	EL PASO NATURAL GAS
8051837	16729	4213520345	108		(21556) N PENWELL UNIT #153	PENWELL	4.3	EL PASO NATURAL GAS
8051915	17105	4223300000	108		COCKRELL RANCH NO 24	PANHANDLE	14.0	GETTY OIL CO
8051844	16762	4223300000	108		FLORENCE J NO 3	PANHANDLE HUTCHINSON	0.4	PANHANDLE EASTERN PI
8051679	13183	4223300000	108		HARVEY UNIT NO 2-2	PANHANDLE HUTCHINSON	0.3	GETTY OIL CO
8051936	17151	4217900000	108		PHIL PAMPA UNIT NO 01-10	PANHANDLE	5.0	GETTY OIL CO
8051937	17152	4217900000	108		PHIL PAMPA UNIT NO 08-11	PANHANDLE	0.7	GETTY OIL CO
8051879	16897	4217900000	108		PHIL-PAMPA #9-14A	PANHANDLE GRAY	20.0	GETTY OIL CO
8051876	16894	4217900000	108		PHIL-PAMPA UNIT NO 01-09	PANHANDLE GRAY	5.5	GETTY OIL CO
8051877	16895	4217900000	108		PHIL-PAMPA UNIT NO 02-02	PANHANDLE GRAY	13.5	GETTY OIL CO
8051678	13027	4217900000	108		PHIL-PAMPA UNIT NO 15-01	PANHANDLE GRAY	0.2	GETTY OIL CO

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JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8051878	16896	4217900000	108	PHIL-PAMPA UNIT NO 58-07	PANHANDLE GRAY	12.0	GETTY OIL CO
8051851	16778	4249731438	103	TAYLOR F NO 2	BOONSVILLE BEND	91.3	NATURAL GAS PIPELINE
-PITTS OIL CO AND DALLAS PRODUCTION				RECEIVED: 08/04/80 JA: TX			
8051716	15303	4220330613	103	EAST SCOTTSVILLE UNIT #3 WELL #1	SCOTTSVILLE SW (PAGE)	99.0	ARKANSAS LOUISIANA G
-RAY H EUBANK				RECEIVED: 08/04/80 JA: TX			
8051957	18211	4220330614	102	BLACK-CLARK GAS UNIT NO 1 82090	LANSING NORTH (TRAVIS-PE	130.0	TEJAS GAS CORP
8051958	18212	4220330643	102	HUFFMAN ESTATE GAS UNIT NO 1 83249	LANSING NORTH (TRAVIS-PE	180.0	TEJAS GAS CORP
8051959	18213	4220330576	102	TECARO WOOD GAS UNIT NC 1 79289	LANSING NORTH (TRAVIS-PE	114.0	TEJAS GAS CORP
-SAXON OIL COMPANY				RECEIVED: 08/04/80 JA: TX			
8051909	17082	4238331411	103	HUNT ESTATE #1	SPRABERRY (TREND AREA)	27.0	
8051910	17083	4238331401	103	PATTERSON #2	SPRABERRY (TREND AREA)	27.0	
8051911	17084	4238331410	103	PATTERSON #4	SPRABERRY (TREND AREA)	28.0	
8051912	17085	4238331390	103	TURNER B #1	SPRABERRY (TREND AREA)	15.0	
8051826	16651	4238331371	103	UNIVERSITY 22-58 #1	SPRABERRY (TREND AREA)	19.0	NORTHERN NATURAL GAS
8051827	16652	4238331373	103	UNIVERSITY 22-58 #2	SPRABERRY (TREND AREA)	25.6	NORTHERN NATURAL GAS
-SCHKADE BROS DRILLING CO				RECEIVED: 08/04/80 JA: TX			
8051845	16763	4209330661	103	R A BARNETT WELL #2 - ID 14926	DUSTER NE (MARBLE FALLS	54.5	LONE STAR GAS CO
-SEAGO OIL CO				RECEIVED: 08/04/80 JA: TX			
8051869	16857	4225331255	103	M HATFIELD #1	HUDDLESTON (STRAWN SAND)	26.9	PALO DURO PIPELINE C
-SNOW OIL CO				RECEIVED: 08/04/80 JA: TX			
8051820	16604	4213331701	103	C J HARRELL #1 - 83578	LEDBETTER (RANGER)	22.5	ATLAS-REISS PIPELINE
8051821	16605	4213331700	103	C J HARRELL #2 - 83577	LEDBETTER (RANGER)	20.8	ATLAS-REISS PIPELINE
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 08/04/80 JA: TX			
8051870	16858	4207931050	103	DELA S WRIGHT G NO 1	LEVELLAND	1.0	CITIES SERVICE CO
-TAUBERT & STEED				RECEIVED: 08/04/80 JA: TX			
8051952	18149	4249930658	102	J J PUCKETT HEIRS WELL NO 2	NEUHOFF (WOODBINE)	70.0	UNITED GAS PIPELINE
8051953	18150	4249930696	102	LINDLEY-ENGLISH UNIT WELL NO 1	NEUHOFF (WOODBINE)	70.0	UNITED GAS PIPELINE
8051954	18151	4249930693	102	VICKERY-LINDLEY UNIT WELL NO 1	NEUHOFF (PALUXY)	70.0	UNITED GAS PIPELINE
-TENNECO OIL COMPANY				RECEIVED: 08/04/80 JA: TX			
8051807	16426	4212330992	103	H O ANGERSTEIN NO 1	SOUTH COTTONWOOD CREEK (	200.0	LO VACA GATHERING CO
-TEXACO INC				RECEIVED: 08/04/80 JA: TX			
8051722	15367	4226130488	103	YTURRIA L&C NCT-1 WELL #42-L	RAYMONDVILLE (F-19)	730.0	TENNESSEE GAS PIPELI
8051723	15368	4226130488	103	YTURRIA L&C NCT-1 WELL #42-U	RAYMONDVILLE (A-6)	37.0	TENNESSEE GAS PIPELI
8051724	15369	4248930599	103	YTURRIA L&C NCT-2 WELL #43	RAYMONDVILLE (A-4)	23.0	TENNESSEE GAS PIPELI
-TEXAS INTERNATIONAL PET CORP				RECEIVED: 08/04/80 JA: TX			
8051852	16781	4233531436	103	EDWIN PARKS #17	DIXON (STRAWN)	20.0	SUN GAS CO
8051853	16782	4233531267	103	EDWIN PARKS #18	DIXON	11.0	SUN GAS CO
-TEXAS OIL & GAS CORP				RECEIVED: 08/04/80 JA: TX			
8051817	16568	4210300000	103	BARNSLEY #2-A	SANDHILLS (JUDKINS)	118.0	WARREN PETROLEUM COR
8051965	19222	4240130849	102	BOLTON A #1	MINDEN E (TRAVIS PEAK TR	0.0	
8051965	19222	4240130849	103	BOLTON A #1	MINDEN E (TRAVIS PEAK TR	0.0	
8051960	18368	4220330674	102	JERNIGAN #1	WASKOM (TRAVIS PEAK UPPE	150.0	UNITED GAS PIPE LINE
8051698	14977	4223931407	102	SCHAEFER B #2	MCDANIEL (4100)	90.0	TEXAS EASTERN PIPE L
8051710	15238	4223500000	103	WINTERBOTHAM D #1	DOVE CREEK (CANYON D)	190.0	NORTHERN NATURAL GAS
-TEXAS PACIFIC OIL COMPANY INC				RECEIVED: 08/04/80 JA: TX			
8051745	15529	4250131644	103	BENNETT RANCH UNIT #299	WASSON	7.6	SHELL OIL CO
8051746	15530	4250131645	103	BENNETT RANCH UNIT #300	WASSON	8.6	SHELL OIL CO
8051747	15531	4250131647	103	BENNETT RANCH UNIT #302	WASSON	6.2	SHELL OIL CO
8051748	15532	4250131672	103	BENNETT RANCH UNIT #304	WASSON	6.6	SHELL OIL CO
8051749	15533	4250131671	103	BENNETT RANCH UNIT #306	WASSON	4.9	SHELL OIL CO
8051812	16484	4221932691	103	SOUTHEAST LEVELLAND UNIT #264	LEVELLAND/SAN ANDRES	2.9	AMOCO PRODUCTION CO
8051813	16485	4221932706	103	SOUTHEAST LEVELLAND UNIT #248	LEVELLAND/SAN ANDRES	6.3	AMOCO PRODUCTION CO

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                                                                                        VOLUME  269        PAGE  009
 JD NO     JA DKT        API NO     SEC D WELL NAME                         FIELD NAME                   PROD    PURCHASER
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 8051814   16486         4221932692 103  SOUTHEAST LEVELLAND UNIT #249      LEVELLAND/SAN ANDRES           7.8 AMOCO PRODUCTION CO
 8051815   16487         4221932693 103  SOUTHEAST LEVELLAND UNIT #250      LEVELLAND/SAN ANDRES           9.9 AMOCO PRODUCTION CO
-THE SUPERIOR OIL COMPANY               RECEIVED:  08/04/80  JA: TX
 8051674   11576         4271500011 103  STATE OF TEXAS BLK 14-L UNIT #6-L  HIGH ISLAND BLK 14-L (10       0.0 NATURAL GAS PIPELINE
 8051673   11575         4271500011 103  STATE OF TEXAS BLK 14-L UNIT #6-U  HIGH ISLAND BLK 14-L (10       5.0 NATURAL GAS PIPELINE
-THOMAS C CANAN                         RECEIVED:  08/04/80  JA: TX
 8051675   12190         4242900000 108  SPEERS WELL NO 1 RRC 75002         FRANKELL (STRAWN) FIELD       29.0 WARREN PETROLEUM
-THOMAS D COFFMAN                       RECEIVED:  08/04/80  JA: TX
 8051649   07135         4228730250 103  DORSEY #1 012481                   GIDDINGS (AUSTIN CHALK/B      70.0 PGP GAS PRODUCTS INC
 8051717   15309         4214930340 103  FARRAH UNIT #1 - 047993            GIDDINGS (AUSTIN CHALK/B      40.0 RESERVE GAS SYSTEMS
 8051718   15310         4214930340 103  FARRAH UNIT A #2                   GIDDINGS (AUSTIN CHALK/B      40.0 RESERVE GAS SYSTEMS
 8051719   15312         4214930337 103  O-T #1                             GIDDINGS (AUSTIN CHALK/B      20.0 RESERVE GAS SYSTEMS
-TOPAT OIL CORP                         RECEIVED:  08/04/80  JA: TX
 8051880   16905         4213500000 108  OHIO-SLATOR NO 1 20951             TXL (SAN ANDRES)               1.7 SHELL OIL CO
-U S RESOURCES INC                      RECEIVED:  08/04/80  JA: TX
 8051661   09904         4228730240 103  GARWOOD GERDES ESTATE #1           GIDDINGS (AUSTIN CHALK)        5.0 PGP GAS PRODUCTS INC
 8051661   08904         4228730240 102  GARWOOD GERDES ESTATE #1           GIDDINGS (AUSTIN CHALK)        5.0 PGP GAS PRODUCTS INC
-UNION OIL COMPANY OF CALIF             RECEIVED:  08/04/80  JA: TX
 8051916   17112         4221131026 103  MEEK #1-45                         BUFFALO WALLOW (GRANITE       50.0 EL PASO NATURAL GAS
-W HOWARD TAYLOR AGENT                  RECEIVED:  08/04/80  JA: TX
 8051645   05172         4217900000 108  W H TAYLOR ESTATE - STEED 25330    WEST PANHANDLE (GAS)          17.0 PHILLIPS PETROLEUM C
-WALLACE OIL & GAS INC                  RECEIVED:  08/04/80  JA: TX
 8051655   07711         4217312300 103  WALLACE OIL & GAS INC #1 STROTHER  TEXAS HUGOTON                 60.0 TRANSWESTERN PIPELIN
-WARREN PETR CO A DIV OF GULF OIL CO    RECEIVED:  08/04/80  JA: TX
 8051939   17170         4210332047 103  STATE ER NO 7                      DUNE                           1.0 EL PASO NATURAL GAS
-WAY AND MILLS                          RECEIVED:  08/04/80  JA: TX
 8051750   15542         4238331383 103  UNIVERSITY 11 #5                   FARMER (SAN ANDRES)           18.0 NORTHERN NATURAL GAS
 8051751   15546         4238331165 103  UNIVERSITY 15 #1                   FARMER (SAN ANDRES)           18.0 NORTHERN NATURAL GAS
 8051726   15440         4238331313 103  UNIVERSITY 8 #1                    FARMER (SAN ANDRES)           18.0 NORTHERN NATURAL GAS
 8051727   15442         4238331312 103  UNIVERSITY 9A #1                   FARMER (SAN ANDRES)           18.0 NORTHERN NATURAL GAS
-WAYMAN W BUCHANAN                      RECEIVED:  08/04/80  JA: TX
 8051725   15372         4236731414 103  FERN PATTERSON UNIT #1             PEASTER (BIG SALINE)         321.2 LONE STAR GAS CO
 8051696   14864         4236731295 103  GREENMAN NO 1                      PEASTER (BIG SALINE)          38.3 LONE STAR GAS CO
 8051707   15154         4236331988 103  YEATS NO 1                         JVT (STRAWN 2400)            215.4 LONE STAR GAS CO
-ZENITH EXPLORATION COMPANY             RECEIVED:  08/04/80  JA: TX
*8051846   16766         4216331694 103  ESTHER BERRY NO 3                  BERRY (FRIO)                  11.0 TRANSCONTINENTAL GAS

OTHER PURCHASERS
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8051858     HOUSTON P L
8051846     COMPTON CORP
8051843     AMOCO GAS CO
8051917     CITIES SERVICE CO
8051918     CITIES SERVICE CO
8051919     CITIES SERVICE CO
8051920     CITIES SERVICE CO
8051940     AMOCO GAS CO
8051963     PIEDMONT EXPLORATION CO INC
8051964     PIEDMONT EXPLORATION CO INC
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BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf).

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before October 2, 1980.

Please reference the FERC Control Number (JD NO) in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28432 Filed 9-16-80; 8:45 am]

BILLING CODE 6450-85-M

[Volume 270]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued September 3, 1980.

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JD NO   JA DKT        API NO     SEC D WELL NAME              FIELD NAME                  PRCD   PURCHASER
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** DEPARTMENT OF ENERGY
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-NAVAL PETROLEUM RESERVES IN CALIFOR   RECEIVED:  08/08/80   JA: CA   9
8052072               0402900000 102  1B - #11                NAVAL PETROLEUM RESERVE      0.0
8052073               0402900000 102  1B - #21                NAVAL PETROLEUM RESERVE      0.0
8052079               0402900000 102  1B - #296               NAVAL PETROLEUM RESERVE      1.4
8052074               0402900000 102  1B - #43                NAVAL PETROLEUM RESERVE      8.0
8052075               0402900000 102  1B - #54                NAVAL PETROLEUM RESERVE      2.1

8052076               0402900000 102  1B - #65                NAVAL PETROLEUM RESERVE      1.2
8052077               0402900000 102  1B - #75                NAVAL PETROLFUM RFSERVE     14.1
8052078               0402900000 102  1B - #81X               NAVAL PETROLEUM RESERVE      7.6
8052221               0402900000 103  1B-#87                  NAVAL PETROLEUM RESERVE      1.5
8052308               0402900000 108  1G - #11AD              NAVAL PETROLEUM RESERVE      0.3
8052309               0402900000 108  1G - #13D               NAVAL PETROLEUM RESERVE      0.4
8052310               0402900000 108  1G - #15                NAVAL PETROLEUM RESERVE      0.7
8052311               0402900000 108  1G - #18                NAVAL PETROLEUM RESERVE      0.8
8052316               0402900000 108  1G - #237               NAVAL PETROLEUM RESERVE      1.1
8052312               0402900000 108  1G - #28D               NAVAL PETROLEUM RESERVE      0.5
8052305               0402900000 108  1G - #30                NAVAL PETROLEUM RESERVE      0.4
8052313               0402900000 108  1G - #45                NAVAL PETROLEUM RESERVE      1.0
8052306               0402900000 108  1G - #50                NAVAL PETROLEUM RESERVE      1.2
8052307               0402900000 108  1G - #5F                NAVAL PETROLEUM RESERVE      1.3
8052314               0402900000 108  1G - #65                NAVAL PETROLEUM RESERVE      0.9
8052315               0402900000 108  1G - #78                NAVAL PETROLEUM RESERVE      0.4
8052224               0402900000 103  1G-#15X                 NAVAL PETROLEUM RESERVE      0.0
8052225               0402900000 103  1G-#16                  NAVAL PETROLEUM RESERVE      1.2
8052226               0402900000 103  1G-#23                  NAVAL PETROLEUM RESERVE      1.8
8052227               0402900000 103  1G-#32X                 NAVAL PETROLEUM RESERVE      0.3
8052228               0402900000 103  1G-#33X                 NAVAL PETROLEUM RESERVE      0.7
8052229               0402900000 103  1G-#42X                 NAVAL PETROLEUM RESERVE      0.4
8052230               0402900000 103  1G-#48                  NAVAL PETROLEUM RESERVE      0.7
8052231               0402900000 103  1G-#52X                 NAVAL PETROLEUM RESERVE      0.4
8052232               0402900000 103  1G-#57                  NAVAL PETROLEUM RESERVE      0.3
8052240               0402900000 103  6G - #13                NAVAL PETROLEUM RESERVF      0.8
8052120               0402900000 102  10G - #24               NAVAL PETROLEUM RESERVE      0.0
8052121               0402900000 102  10G - #45               NAVAL PETROLEUM RESERVF      0.6
8052122               0402900000 102  11G - #12               NAVAL PETROLEUM RESERVE      0.9
8052123               0402900000 102  11G - #16               NAVAL PETROLEUM RESERVE      0.1
8051968               0402900000 102  11G-#24                 NAVAL PETROLEUM RESERVE-     0.9
8051969               0402900000 102  11G-#31                 NAVAL PETROLEUM RESERVF-     0.6
8051970               0402900000 102  11G-#36                 NAVAL PETROLEUM RESERVE-     0.4
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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8051971		0402900000	102		11G-#41	NAVAL PETROLEUM RESERVE-	0.9	
8051972		0402900000	102		11G-#42	NAVAL PETROLEUM RESERVE-	1.0	
8051973		0402900000	102		11G-#61	NAVAL PETROLEUM RESERVE-	0.9	
8051974		0402900000	102		11G-#65X	NAVAL PETROLEUM RESERVE-	0.4	
8052243		0402900000	103		12G - #12	NAVAL PETROLEUM RESERVE	0.2	
8052244		0402900000	103		12G - #31	NAVAL PETROLEUM RESERVE	1.4	
8052245		0402900000	103		12G - #32	NAVAL PETROLEUM RESERVE	1.1	
8051980		0402900000	102		13R-#317	NAVAL PETROLEUM RESERVE-	0.0	
8052299		0402900000	103		13Z - #358	NAVAL PETROLEUM RESERVE	48.7	
8052300		0402900000	103		13Z - #367	NAVAL PETROLEUM RESERVE	3.7	
8052220		0402900000	103		13Z-#378	NAVAL PETROLEUM RESERVE	29.2	
8051981		0402900000	102		14R-#315	NAVAL PETROLEUM RESERVE-	0.0	
8051982		0402900000	102		14R-#537	NAVAL PETROLEUM RESERVE-	0.0	
8052301		0402900000	103		14Z - #544	NAVAL PETROLEUM RESERVE	0.0	
8051985		0402900000	102		15R - #317	NAVAL PETROLEUM RESERVE	3.8	
8051986		0402900000	102		15R - #335	NAVAL PETROLEUM RESERVE	0.0	
8051987		0402900000	102		15R - #353	NAVAL PETROLEUM RESERVE	0.0	
8051988		0402900000	102		15R - #357	NAVAL PETROLEUM RESERVE	0.0	
8051990		0402900000	102		15R - #375	NAVAL PETROLEUM RESERVE	0.0	
8051991		0402900000	102		15R - #377	NAVAL PETROLEUM RESERVE	5.4	
8051989		0402900000	102		15R #373	NAVAL PETROLEUM RESERVE	2.8	
8051983		0402900000	102		15R-#311	NAVAL PETROLEUM RESERVE	2.1	
8051984		0402900000	102		15R-#313	NAVAL PETROLEUM RESERVE-	0.0	
8052249		0402900000	103		16R - #315	NAVAL PETROLEUM RESERVE	0.0	
8052250		0402900000	103		16R - #333	NAVAL PETROLEUM RESERVE	2.6	
8052251		0402900000	103		16R - #335	NAVAL PETROLEUM RESERVE	2.7	
8052252		0402900000	103		16R - #351	NAVAL PETROLEUM RESERVE	1.9	
8051992		0402900000	102		16R - #364	NAVAL PETROLEUM RESERVE	0.0	
8051993		0402900000	102		16R - #371	NAVAL PETROLEUM RESERVE	2.1	
8051975		0402900000	102		17G-#21	NAVAL PETROLEUM RESERVE-	0.0	
8051976		0402900000	102		17G-#32	NAVAL PETROLEUM RESERVE-	1.5	
8051977		0402900000	102		17G-#41	NAVAL PETROLEUM RESERVE-	0.2	
8051978		0402900000	102		17G-#61	NAVAL PETROLEUM RESERVE-	0.7	
8051979		0402900000	102		17G-#81	NAVAL PETROLEUM RESERVE-	0.2	
8052253		0402900000	103		19R - #326	NAVAL PETROLEUM RESERVE	43.3	
8052254		0402900000	103		19R - #348	NAVAL PETROLEUM RESERVE	73.0	
8052124		0402900000	102		19S - #47	NAVAL PETROLEUM RESERVE	0.9	
8052125		0402900000	102		19S - #58	NAVAL PETROLEUM RESERVE	0.9	
8052126		0402900000	102		19S - #78	NAVAL PETROLEUM RESERVE	0.1	
8052080		0402900000	102		2B - #331	NAVAL PETROLEUM RESERVE	40.0	
8052081		0402900000	102		2B - #351	NAVAL PETROLEUM RESERVE	20.9	
8052223		0402900000	103		2B-#322	NAVAL PETROLEUM RESERVE	0.0	
8052222		0402900000	103		2B-#42	NAVAL PETROLEUM RESERVE	0.2	
8052085		0402900000	102		2G - #324	NAVAL PETROLEUM RESERVE	0.0	
8052239		0402900000	103		2G - #371	NAVAL PETROLEUM RESERVE	0.0	
8052084		0402900000	102		2G - #48	NAVAL PETROLEUM RESERVE	1.7	
8052083		0402900000	102		2G - 38X	NAVAL PETROLEUM RESERVE	0.1	
8052236		0402900000	103		2G-#331	NAVAL PETROLEUM RESERVE	71.6	
8052237		0402900000	103		2G-#333	NAVAL PETROLEUM RESERVE	0.0	
8052238		0402900000	103		2G-#353	NAVAL PETROLEUM RESERVE	0.0	
8052233		0402900000	103		2G-#63X	NAVAL PETROLEUM RESERVE	0.0	
8052234		0402900000	103		2G-#82	NAVAL PETROLEUM RESERVE	0.0	

JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8052235		0402900000	103		2G-#83	NAVAL PETROLEUM RESERVE	0.9	
8051994		0402900000	102		22R - #367	NAVAL PETROLEUM RESERVE	0.0	
8051995		0402900000	102		23R - #316	NAVAL PETROLEUM RESERVE	54.8	
8051996		0402900000	102		23R - #328	NAVAL PETROLEUM RESERVE	0.0	
8051997		0402900000	102		23R - #336	NAVAL PETROLEUM RESERVE	54.8	
8051998		0402900000	102		23R - #348	NAVAL PETROLEUM RESERVE	13.6	
8052000		0402900000	102		24R - #316	NAVAL PETROLEUM RESERVE	54.8	
8052001		0402900000	102		24R - #329	NAVAL PETROLEUM RESERVE	0.0	
8051999		0402900000	102		24P - #64	NAVAL PETROLEUM RESERVE	1.3	
8052302		0402900000	103		24Z - #66	NAVAL PETROLEUM RESERVE	0.0	
8052303		0402900000	103		24Z - #75	NAVAL PETROLEUM RESERVE	0.0	
8052304		0402900000	103		24Z - #86	NAVAL PETROLEUM RESERVE	0.0	
8052002		0402900000	102		25R - #321	NAVAL PETROLEUM RESERVE	0.0	
8052003		0402900000	102		25R - #328	NAVAL PETROLEUM RESERVE	36.6	
8052004		0402900000	102		25R - #341	NAVAL PETROLEUM RESERVE	0.0	
8052005		0402900000	102		25R - #347	NAVAL PETROLEUM RESERVE	44.6	
8052006		0402900000	102		25R - #354A	NAVAL PETROLEUM RESERVE	54.8	
8052007		0402900000	102		26R - #14A	NAVAL PETROLEUM RESERVE	0.0	
8052010		0402900000	102		26R - #341A	NAVAL PETROLEUM RESERVE	60.4	
8052011		0402900000	102		26R - #355	NAVAL PETROLEUM RESERVE	0.0	
8052008		0402900000	102		26R - #36	NAVAL PETROLEUM RESERVE	0.0	
8052012		0402900000	102		26R - #361	NAVAL PETROLEUM RESERVE	78.1	
8052013		0402900000	102		26R - #364	NAVAL PETROLEUM RESERVE	16.3	
8052014		0402900000	102		26R - #375	NAVAL PETROLEUM RESERVE	0.0	
8052015		0402900000	102		26R - #377	NAVAL PETROLEUM RESERVE	39.5	
8052016		0402900000	102		26R - #383	NAVAL PETROLEUM RESERVE	111.3	
8052017		0402900000	102		26R - #385A	NAVAL PETROLEUM RESERVE	64.1	
8052009		0402900000	102		26R - #63	NAVAL PETROLEUM RESERVE	0.0	
8052325		0402900000	108		26S - #1U	NAVAL PETROLEUM RESERVE	1.0	
8052326		0402900000	108		26S - #2U	NAVAL PETROLEUM RESERVE	0.7	
8052018		0402900000	102		27R - #319	NAVAL PETROLEUM RESERVE	15.7	
8052337		0402900000	108		27S - #113	NAVAL PETROLEUM RESERVE	0.8	
8052338		0402900000	108		27S - #122	NAVAL PETROLEUM RESERVE	0.7	
8052327		0402900000	108		27S - #15	NAVAL PETROLEUM RESERVE	0.9	
8052339		0402900000	108		27S - #155	NAVAL PETROLEUM RESERVE	1.0	
8052342		0402900000	108		27S - #2118	NAVAL PETROLEUM RESERVE	0.6	
8052328		0402900000	108		27S - #22	NAVAL PETROLEUM RESERVE	1.0	
8052329		0402900000	108		27S - #23	NAVAL PETROLEUM RESERVE	0.6	
8052340		0402900000	108		27S - #237	NAVAL PETROLEUM RESERVE	0.7	
8052341		0402900000	108		27S - #246	NAVAL PETROLEUM RESERVE	0.1	
8052330		0402900000	108		27S - #25	NAVAL PETROLEUM RESERVE	1.2	
8052331		0402900000	108		27S - #26	NAVAL PETROLEUM RESERVE	1.6	
8052332		0402900000	108		27S - #27	NAVAL PETROLEUM RESERVE	1.0	
8052127		0402900000	102		27S - #28A	NAVAL PETROLEUM RESERVE	0.4	
8052333		0402900000	108		27S - #45	NAVAL PETROLEUM RESERVE	0.1	
8052334		0402900000	108		27S - #54	NAVAL PETROLEUM RESERVE	1.3	
8052335		0402900000	108		27S - #60	NAVAL PETROLEUM RESERVE	1.2	
8052336		0402900000	108		27S - #77	NAVAL PETROLEUM RESERVE	0.9	
8052022		0402900000	102		28R - #(5) 325	NAVAL PETROLEUM RESERVE	18.6	
8052021		0402900000	102		28R - #324	NAVAL PETROLEUM RESERVE	219.0	
8052023		0402900000	102		28R - #328	NAVAL PETROLEUM RESERVE	37.3	
8052024		0402900000	102		28R - #346	NAVAL PETROLEUM RESERVE	7.4	

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JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8052025		0402900000	102	28R - #368	NAVAL PETROLEUM RESERVE	11.0	
8052019		0402900000	102	23R - #56	NAVAL PETROLEUM RESERVE	0.0	
8052020		0402900000	102	28P - #78	NAVAL PETROLEUM RESERVE	0.0	
8052128		0402900000	102	28S - #14	NAVAL PETROLEUM RESERVE	0.1	
8052129		0402900000	102	28S - #15	NAVAL PETROLEUM RESERVE	0.1	
8052130		0402900000	102	28S - #24	NAVAL PETROLEUM RESERVE	0.9	
8052139		0402900000	102	28S - #287	NAVAL PETROLEUM RESERVE	0.2	
8052131		0402900000	102	28S - #33	NAVAL PETROLEUM RESERVE	0.4	
8052132		0402900000	102	28S - #35	NAVAL PETROLEUM RESERVE	0.2	
8052133		0402900000	102	28S - #37A	NAVAL PETROLEUM RESERVE	0.1	
8052134		0402900000	102	28S - #45	NAVAL PETROLEUM RESERVE	0.3	
8052136		0402900000	102	28S - #58X	NAVAL PETROLEUM RESERVE	0.2	
8052137		0402900000	102	28S - #65	NAVAL PETROLEUM RESERVE	0.1	
8052138		0402900000	102	28S - #68A	NAVAL PETROLEUM RESERVE	0.2	
8052135		0402900000	102	28S #57A	NAVAL PETROLEUM RESERVE	0.1	
8052256		0402900000	103	29R - #345	NAVAL PETROLEUM RESERVE	0.0	
8052257		0402900000	103	29R - #362	NAVAL PETROLEUM RESERVE	0.0	
8052258		0402900000	103	29R - #363	NAVAL PETROLEUM RESERVE	118.2	
8052026		0402900000	102	29R - #383	NAVAL PETROLEUM RESERVE	54.8	
8052259		0402900000	103	29R - #566	NAVAL PETROLEUM RESERVE	0.0	
8052255		0402900000	103	29R - #65	NAVAL PETROLEUM RESERVE	0.6	
8052140		0402900000	102	29S - #13	NAVAL PETROLEUM RESERVE	0.9	
8052141		0402900000	102	29S - #14	NAVAL PETROLEUM RESERVE	0.7	
8052142		0402900000	102	29S - #24	NAVAL PETROLEUM RESERVE	0.3	
8052144		0402900000	102	29S - #244	NAVAL PETROLEUM RESERVE	0.3	
8052145		0402900000	102	29S - #286	NAVAL PETROLEUM RESERVE	0.2	
8052343		0402900000	108	29S - #75	NAVAL PETROLEUM RESERVE	1.5	
8052143		0402900000	102	29S - #85	NAVAL PETROLEUM RESERVE	0.1	
8052086		0402900000	102	3G - #27	NAVAL PETROLEUM RESERVE	0.2	
8052091		0402900000	102	3G - #313	NAVAL PETROLEUM RESERVE	58.2	
8052092		0402900000	102	3G - #314	NAVAL PETROLEUM RESERVE	23.8	
8052093		0402900000	102	3G - #353	NAVAL PETROLEUM RESERVE	64.0	
8052087		0402900000	102	3G - #36	NAVAL PETROLEUM RESERVE	1.8	
8052094		0402900000	102	3G - #364	NAVAL PETROLEUM RESERVE	0.3	
8052095		0402900000	102	3G - #384	NAVAL PETROLEUM RESERVE	0.0	
8052088		0402900000	102	3G - #46	NAVAL PETROLEUM RESERVE	0.1	
8052089		0402900000	102	3G - #47	NAVAL PETROLEUM RESERVE	0.3	
8052090		0402900000	102	3G - #66	NAVAL PETROLEUM RESERVE	0.4	
8052260		0402900000	103	30R - #322	NAVAL PETROLEUM RESERVE	3.5	
8052261		0402900000	103	30R - #344	NAVAL PETROLEUM RESERVE	73.0	
8052262		0402900000	103	30R - #381	NAVAL PETROLEUM RESERVE	15.4	
8052263		0402900000	103	30R - #383	NAVAL PETROLEUM RESERVE	77.7	
8052264		0402900000	103	30R - #542	NAVAL PETROLEUM RESERVE	0.0	
8052152		0402900000	102	30S - #346	NAVAL PETROLEUM RESERVE	0.5	
8052146		0402900000	102	30S - #52	NAVAL PETROLEUM RESERVE	0.4	
8052147		0402900000	102	30S - #54	NAVAL PETROLEUM RESERVE	0.3	
8052148		0402900000	102	30S - #66	NAVAL PETROLEUM RESERVE	0.3	
8052149		0402900000	102	30S - #72	NAVAL PETROLEUM RESERVE	0.2	
8052150		0402900000	102	30S - #73	NAVAL PETROLEUM RESERVE	0.7	
8052151		0402900000	102	30S - #84	NAVAL PETROLEUM RESERVE	0.3	
8052153		0402900000	102	30S-#367	NAVAL PETROLEUM RESERVE	0.5	
8052154		0402900000	102	31S - #16	NAVAL PETROLEUM RESERVE	0.0	

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8052155		0402900000	102		31S - #17	NAVAL PETROLEUM RESERVE	0.9	
8052158		0402900000	102		31S - #317	NAVAL PETROLEUM RESERVE	0.5	
8052159		0402900000	102		31S - #323	NAVAL PETROLEUM RESERVE	0.1	
8052160		0402900000	102		31S - #328	NAVAL PETROLEUM RESERVE	0.8	
8052161		0402900000	102		31S - #341	NAVAL PETROLEUM RESERVE	0.1	
8052162		0402900000	102		31S - #346A	NAVAL PETROLEUM RESERVE	0.6	
8052156		0402900000	102		31S - #42	NAVAL PETROLEUM RESERVE	0.0	
8052157		0402900000	102		31S - #47	NAVAL PETROLEUM RESERVE	0.0	
8052163		0402900000	102		31S-#367	NAVAL PETROLEUM RESERVE	0.5	
8052164		0402900000	102		31S-#373A	NAVAL PETROLEUM RESERVE	0.2	
8052165		0402900000	102		31S-#381	NAVAL PETROLEUM RESERVE	0.5	
8052166		0402900000	102		31S-385	NAVAL PETROLEUM RESERVE	0.5	
8052027		0402900000	102		32R - #368	NAVAL PETROLEUM RESERVE	0.0	
8052167		0402900000	102		32S-#25	NAVAL PETROLEUM RESERVE	0.0	
8052168		0402900000	102		32S-#324	NAVAL PETROLEUM RESERVE	0.2	
8052169		0402900000	102		32S-#364	NAVAL PETROLEUM RESERVE	0.2	
8052170		0402900000	102		32S-#368A	NAVAL PETROLEUM RESERVE	0.2	
8052171		0402900000	102		32S-#375	NAVAL PETROLEUM RESERVE	0.1	
8052172		0402900000	102		32S-#386	NAVAL PETROLEUM RESERVE	0.2	
8052028		0402900000	102		33R - #11	NAVAL PETROLEUM RESERVE	15.6	
8052029		0402900000	102		33R - #31	NAVAL PETROLEUM RESERVE	28.0	
8052033		0402900000	102		33R - #342	NAVAL PETROLEUM RESERVE	72.6	
8052034		0402900000	102		33R - #344	NAVAL PETROLEUM RESERVE	71.7	
8052035		0402900000	102		33R - #372	NAVAL PETROLEUM RESERVE	11.0	
8052036		0402900000	102		33R - #384	NAVAL PETROLEUM RESERVE	46.8	
8052030		0402900000	102		33R - #51	NAVAL PETROLEUM RESERVE	49.7	
8052031		0402900000	102		33R - #71	NAVAL PETROLEUM RESERVE	27.8	
8052032		0402900000	102		33R - #76	NAVAL PETROLEUM RESERVE	0.0	
8052179		0402900000	102		33S - #315	NAVAL PETROLEUM RESERVE	0.6	
8052182		0402900000	102		33S - #335	NAVAL PETROLEUM RESERVE	0.5	
8052183		0402900000	102		33S - #355	NAVAL PETROLEUM RESERVE	0.7	
8052184		0402900000	102		33S - #357	NAVAL PETROLEUM RESERVE	0.0	
8052180		0402900000	102		33S - 324	NAVAL PETROLEUM RESERVE	0.0	
8052181		0402900000	102		33S-#333	NAVAL PETROLEUM RESERVE	0.0	
8052185		0402900000	102		33S-#364	NAVAL PETROLEUM RESERVE	0.7	
8052186		0402900000	102		33S-#373	NAVAL PETROLEUM RESERVE	0.0	
8052187		0402900000	102		33S-#384	NAVAL PETROLEUM RESERVE	0.7	
8052173		0402900000	102		33S-#43X	NAVAL PETROLEUM RESERVE	0.6	
8052174		0402900000	102		33S-#52X	NAVAL PETROLEUM RESERVE	0.3	
8052175		0402900000	102		33S-#61A	NAVAL PETROLEUM RESERVE	0.1	
8052176		0402900000	102		33S-#81X	NAVAL PETROLEUM RESERVE	0.1	
8052177		0402900000	102		33S-#87	NAVAL PETROLEUM RESERVE	0.7	
8052178		0402900000	102		33S-#88	NAVAL PETROLEUM RESERVE	0.3	
8052041		0402900000	102		34R - #314	NAVAL PETROLEUM RESERVE	106.6	
8052042		0402900000	102		34R - #316	NAVAL PETROLEUM RESERVE	20.3	
8052037		0402900000	102		34R - #32	NAVAL PETROLEUM RESERVE	0.0	
8052043		0402900000	102		34R - #332	NAVAL PETROLEUM RESERVE	41.0	
8052044		0402900000	102		34R - #336	NAVAL PETROLEUM RESERVE	97.4	
8052038		0402900000	102		34R - #35	NAVAL PETROLEUM RESERVE	3.4	
8052045		0402900000	102		34R - #354	NAVAL PETROLEUM RESERVE	51.5	
8052046		0402900000	102		34R - #356	NAVAL PETROLEUM RESERVE	31.7	
8052039		0402900000	102		34R - #36X	NAVAL PETROLEUM RESERVE	10.3	

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8052040		0402900000	102		34R - #82	NAVAL PETROLEUM RESERVE	0.0	
8052188		0402900000	102		34S - #11X	NAVAL PETROLEUM RESERVE	0.1	
8052204		0402900000	102		34S - #111A	NAVAL PETROLEUM RESERVE	1.6	
8052205		0402900000	102		34S - #112A	NAVAL PETROLEUM RESERVE	9.1	
8052206		0402900000	102		34S - #113A	NAVAL PETROLEUM RESERVE	0.3	
8052189		0402900000	102		34S - #21A	NAVAL PETROLEUM RESERVE	0.0	
8052190		0402900000	102		34S - #22A	NAVAL PETROLEUM RESERVE	0.8	
8052191		0402900000	102		34S - #23X	NAVAL PETROLEUM RESERVE	0.5	
8052192		0402900000	102		34S - #26	NAVAL PETROLEUM RESERVE	0.2	
8052193		0402900000	102		34S - #26X	NAVAL PETROLEUM RESERVE	0.4	
8052194		0402900000	102		34S - #27	NAVAL PETROLEUM RESERVE	0.1	
8052195		0402900000	102		34S - #32A	NAVAL PETROLEUM RESERVE	0.2	
8052196		0402900000	102		34S - #33A	NAVAL PETROLEUM RESERVE	0.1	
8052214		0402900000	102		34S - #333	NAVAL PETROLEUM RESERVE	0.0	
8052197		0402900000	102		34S - #34A	NAVAL PETROLEUM RESERVE	0.1	
8052198		0402900000	102		34S - #42A	NAVAL PETROLEUM RESERVE	0.1	
8052199		0402900000	102		34S - #47	NAVAL PETROLEUM RESERVE	0.3	
8052200		0402900000	102		34S - #63X	NAVAL PETROLEUM RESERVE	0.9	
8052201		0402900000	102		34S - #71X	NAVAL PETROLEUM RESERVE	1.4	
8052202		0402900000	102		34S - #72	NAVAL PETROLEUM RESERVE	1.7	
8052203		0402900000	102		34S - #81	NAVAL PETROLEUM RESERVE	4.2	
8052207		0402900000	102		34S - 114X	NAVAL PETROLEUM RESERVE	1.3	
8052208		0402900000	102		34S - 235	NAVAL PETROLEUM RESERVE	1.6	
8052210		0402900000	102		34S-#315	NAVAL PETROLEUM RESERVE	28.3	
8052211		0402900000	102		34S-#322	NAVAL PETROLEUM RESERVE	0.0	
8052213		0402900000	102		34S-#328	NAVAL PETROLEUM RESERVE	7.9	
8052215		0402900000	102		34S-#353	NAVAL PETROLEUM RESERVE	54.7	
8052216		0402900000	102		34S-#355	NAVAL PETROLEUM RESERVE	73.2	
8052217		0402900000	102		34S-#373	NAVAL PETROLEUM RESERVE	0.0	
8052218		0402900000	102		34S-#577	NAVAL PETROLEUM RESERVE	0.0	
8052209		0402900000	102		34S-313	NAVAL PETROLEUM RESERVE	0.0	
8052212		0402900000	102		34S-324	NAVAL PETROLEUM RESERVE	0.0	
8052050		0402900000	102		35R - #315	NAVAL PETROLEUM RESERVE	0.5	
8052052		0402900000	102		35R - #328	NAVAL PETROLEUM RESERVE	0.0	
8052053		0402900000	102		35R - #335	NAVAL PETROLEUM RESERVE	3.7	
8052054		0402900000	102		35R - #337	NAVAL PETROLEUM RESERVE	37.1	
8052055		0402900000	102		35R - #348	NAVAL PETROLEUM RESERVE	137.1	
8052056		0402900000	102		35R - #357	NAVAL PETROLEUM RESERVE	0.3	
8052047		0402900000	102		35R - #37	NAVAL PETROLEUM RESERVE	0.0	
8052048		0402900000	102		35R - #52	NAVAL PETROLEUM RESERVE	25.2	
8052049		0402900000	102		35R - #57	NAVAL PETROLEUM RESERVE	0.5	
8052324		0402900000	108		35R - #66	NAVAL PETROLEUM RESERVE	0.8	
8052051		0402900000	102		35R - 326	NAVAL PETROLEUM RESERVE	182.2	
8052265		0402900000	103		35S - #21X	NAVAL PETROLEUM RESERVE	1.0	
8052266		0402900000	103		35S - #33X	NAVAL PETROLEUM RESERVE	1.1	
8052267		0402900000	103		35S - #34X	NAVAL PETROLEUM RESERVE	0.4	
8052344		0402900000	108		35S - #36	NAVAL PETROLEUM RESERVE	1.2	
8052284		0402900000	103		35S - #362	NAVAL PETROLEUM RESERVE	0.0	
8052285		0402900000	103		35S - #364	NAVAL PETROLEUM RESERVE	31.3	
8052286		0402900000	103		35S - #374X	NAVAL PETROLEUM RESERVE	0.0	
8052287		0402900000	103		35S - #375	NAVAL PETROLEUM RESERVE	0.3	
8052268		0402900000	103		35S - #42A	NAVAL PETROLEUM RESERVE	0.8	
8052219		0402900000	102		35S-#311	NAVAL PETROLEUM RESERVE	0.0	

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8052278		0402900000	103	35S-#322	NAVAL PETROLEUM RESERVE	14.6	
8052279		0402900000	103	35S-#333	NAVAL PETROLEUM RESERVE	0.0	
8052280		0402900000	103	35S-#335	NAVAL PETROLEUM RESERVE	0.3	
8052281		0402900000	103	35S-#337	NAVAL PETROLEUM RESERVE	80.9	
8052282		0402900000	103	35S-#353	NAVAL PETROLEUM RESERVE	4.4	
8052283		0402900000	103	35S-#355	NAVAL PETROLEUM RESERVE	1.8	
8052269		0402900000	103	35S-#44X	NAVAL PETROLEUM RESERVE	0.3	
8052270		0402900000	103	35S-#53X	NAVAL PETROLEUM RESERVE	1.0	
8052271		0402900000	103	35S-#54X	NAVAL PETROLEUM RESERVE	1.0	
8052272		0402900000	103	35S-#63X	NAVAL PETROLEUM RESERVE	1.4	
8052274		0402900000	103	35S-#65A	NAVAL PETROLEUM RESERVE	0.5	
8052275		0402900000	103	35S-#65X	NAVAL PETROLEUM RESERVE	4.2	
8052276		0402900000	103	35S-#83X	NAVAL PETROLEUM RESERVE	0.5	
8052277		0402900000	103	35S-313	NAVAL PETROLEUM RESERVE	0.0	
8052273		0402900000	103	35S-64X	NAVAL PETROLEUM RESERVE	1.2	
8052057		0402900000	102	36R - #13	NAVAL PETROLEUM RESERVE	2.9	
8052058		0402900000	102	36R - #32	NAVAL PETROLEUM RESERVE	10.5	
8052064		0402900000	102	36R - #323	NAVAL PETROLEUM RESERVE	730.0	
8052065		0402900000	102	36R - #325	NAVAL PETROLEUM RESERVE	730.0	
8052066		0402900000	102	36R - #332A	NAVAL PETROLEUM RESERVE	19.4	
8052067		0402900000	102	36R - #345	NAVAL PETROLEUM RESERVE	730.0	
8052069		0402900000	102	36R - #367	NAVAL PETROLEUM RESERVE	6.4	
8052071		0402900000	102	36R - #384A	NAVAL PETROLEUM RESERVE	5.6	
8052059		0402900000	102	36R - #44B	NAVAL PETROLEUM RESERVE	12.3	
8052060		0402900000	102	36R - #57	NAVAL PETROLEUM RESERVE	1.0	
8052061		0402900000	102	36R - #65	NAVAL PETROLEUM RESERVE	10.8	
8052062		0402900000	102	36R - #84	NAVAL PETROLEUM RESERVE	5.0	
8052063		0402900000	102	36R - #87	NAVAL PETROLEUM RESERVE	13.0	
8052068		0402900000	102	36R - 354	NAVAL PETROLEUM RESERVE	13.6	
8052070		0402900000	102	36R - 376	NAVAL PETROLEUM RESERVE	31.1	
8052295		0402900000	103	36S - #144	NAVAL PETROLEUM RESERVE	0.3	
8052289		0402900000	103	36S - #15X	NAVAL PETROLEUM RESERVE	0.1	
8052350		0402900000	108	36S - #223	NAVAL PETROLEUM RESERVE	0.9	
8052351		0402900000	108	36S - #230	NAVAL PETROLEUM RESERVE	0.1	
8052352		0402900000	108	36S - #233	NAVAL PETROLEUM RESERVE	0.8	
8052346		0402900000	108	36S - #25	NAVAL PETROLEUM RESERVE	0.2	
8052296		0402900000	103	36S - #255	NAVAL PETROLEUM RESERVE	0.0	
8052290		0402900000	103	36S - #36X	NAVAL PETROLEUM RESERVE	0.8	
8052291		0402900000	103	36S - #38A	NAVAL PETROLEUM RESERVE	0.4	
8052292		0402900000	103	36S - #38X	NAVAL PETROLEUM RESERVE	0.6	
8052297		0402900000	103	36S - #381	NAVAL PETROLEUM RESERVE	0.1	
8052298		0402900000	103	36S - #383	NAVAL PETROLEUM RESERVE	10.9	
8052293		0402900000	103	36S - #47X	NAVAL PETROLEUM RESERVE	0.5	
8052347		0402900000	108	36S - #55X	NAVAL PETROLEUM RESERVE	0.7	
8052294		0402900000	103	36S - #64	NAVAL PETROLEUM RESERVE	1.1	
8052348		0402900000	108	36S - #65	NAVAL PETROLEUM RESERVE	0.5	
8052288		0402900000	103	36S - #7A	NAVAL PETROLEUM RESERVE	0.3	
8052349		0402900000	108	36S - #71	NAVAL PETROLEUM RESERVE	0.7	
8052345		0402900000	108	36S-#17	NAVAL PETROLEUM RESERVE	0.8	
8052082		0402900000	102	4B - #312	NAVAL PETROLEUM RESERVE	0.0	
8052096		0402900000	102	4G - #12	NAVAL PETROLEUM RESERVE	0.2	
8052100		0402900000	102	4G - #315	NAVAL PETROLEUM RESERVE	0.4	

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8052101		0402900000	102		4G - #326	NAVAL PETROLEUM RESERVE	0.0	
8052102		0402900000	102		4G - #333	NAVAL PETROLEUM RESERVE	0.6	
8052103		0402900000	102		4G - #335	NAVAL PETROLEUM RESERVE	0.3	
8052104		0402900000	102		4G - #355	NAVAL PETROLEUM RESERVE	0.2	
8052105		0402900000	102		4G - #375	NAVAL PETROLEUM RESERVE	0.1	
8052317		0402900000	108		4G - #38	NAVAL PETROLEUM RESERVE	2.5	
8052097		0402900000	102		4G - #54	NAVAL PETROLEUM RESERVE	0.7	
8052098		0402900000	102		4G - #65	NAVAL PETROLEUM RESERVE	0.4	
8052099		0402900000	102		4G - #74	NAVAL PETROLEUM RESERVE	0.5	
8052106		0402900000	102		5G - #353	NAVAL PETROLEUM RESERVE	0.9	
8052107		0402900000	102		5G - #364	NAVAL PETROLEUM RESERVE	0.2	
8052108		0402900000	102		5G - #375	NAVAL PETROLEUM RESERVE	0.5	
8052109		0402900000	102		5G - #382	NAVAL PETROLEUM RESERVE	0.6	
8052323		0402900000	108		6M - #11A	NAVAL PETROLEUM RESERVE	0.3	
8052322		0402900000	108		6M - #6A	NAVAL PETROLEUM RESERVE	0.3	
8052318		0402900000	108		7G - #21	NAVAL PETROLEUM RESERVE	2.8	
8052241		0402900000	103		7G - #41	NAVAL PETROLEUM RESERVE	1.3	
8052110		0402900000	102		7G - #51X	NAVAL PETROLEUM RESERVE	0.1	
8052242		0402900000	103		7G - #52	NAVAL PETROLEUM RESERVE	1.0	
8052111		0402900000	102		7G - #62	NAVAL PETROLEUM RESERVE	0.8	
8052112		0402900000	102		8G - #12	NAVAL PETROLEUM RESERVE	0.8	
8052319		0402900000	108		8G - #43	NAVAL PETROLEUM RESERVE	0.2	
8052113		0402900000	102		8G - #45	NAVAL PETROLEUM RESERVE	0.6	
8052320		0402900000	108		8G - #62X	NAVAL PETROLEUM RESERVE	0.4	
8052321		0402900000	108		8G - #81	NAVAL PETROLEUM RESERVE	0.3	
8052114		0402900000	102		8G - 67X	NAVAL PETROLEUM RESERVE	0.6	
8052246		0402900000	103		8R - #313	NAVAL PETROLEUM RESERVE	0.0	
8052247		0402900000	103		8R - #386	NAVAL PETROLEUM RESERVE	0.0	
8052248		0402900000	103		8R - #398	NAVAL PETROLEUM RESERVE	0.0	
8052115		0402900000	102		9G - #22	NAVAL PETROLEUM RESERVE	0.4	
8052116		0402900000	102		9G - #31	NAVAL PETROLEUM RESERVE	0.0	
8052117		0402900000	102		9G - #48X	NAVAL PETROLEUM RESERVE	0.5	
8052118		0402900000	102		9G - #51	NAVAL PETROLEUM RESERVE	0.2	
8052119		0402900000	102		9G - #58X	NAVAL PETROLEUM RESERVE	0.7	
-NAVAL PETROLEUM RESERVE NO 3					RECEIVED: 08/08/80 JA: WY 9			
8052613		4902500000	102		11-A-14	NAVAL PETROLEUM RESERVE	1.1	
8052354		4902500000	102		11-AX-33	NAVAL PETROLEUM RESERVE	0.8	
8052563		4902500000	102		11-SX-11	NAVAL PETROLEUM RESERVE	0.6	
8052596		4902500000	102		11-SX-14	NAVAL PETROLEUM RESERVE	0.1	
8052565		4902500000	102		11-SX-3	NAVAL PETROLEUM RESERVE	0.1	
8052375		4902500000	102		12-AX-28	NAVAL PETROLEUM RESERVE	1.5	
8052614		4902500000	102		12-S-14	NAVAL PETROLEUM RESERVE	0.2	
8052439		4902500000	102		12-STX-34	NAVAL PETROLEUM RESERVE	0.1	
8052428		4902500000	102		12-SX-11	NAVAL PETROLEUM RESERVE	0.9	
8052497		4902500000	102		12-SX-2	NAVAL PETROLEUM RESERVE	0.4	
8052566		4902500000	102		12-SX-3	NAVAL PETROLEUM RESERVE	1.1	
8052388		4902500000	102		13-STX-10	NAVAL PETROLEUM RESERVE	0.9	
8052429		4902500000	102		13-SX-11	NAVAL PETROLEUM RESERVE	1.4	
8052498		4902500000	102		13-SX-2	NAVAL PETROLEUM RESERVE	0.2	
8052567		4902500000	102		13-SX-3	NAVAL PETROLEUM RESERVE	0.1	
8052371		4902500000	102		14-A-27	NAVAL PETROLEUM RESERVE	0.6	
8052500		4902500000	102		14-AX-2	NAVAL PETROLEUM RESERVE	0.9	

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JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8052357		4902500000	102	14-AX-28	NAVAL PETROLEUM RESERVE	1.5	
8052499		4902500000	102	14-S-2	NAVAL PETROLEUM RESERVE	0.2	
8052430		4902500000	102	14-SX-11	NAVAL PETROLEUM RESERVE	0.9	
8052568		4902500000	102	14-SX-3	NAVAL PETROLEUM RESERVE	1.5	
8052431		4902500000	102	15-S-11	NAVAL PETROLEUM RESERVE	0.9	
8052546		4902500000	102	15-S-2	NAVAL PETROLEUM RESERVE	0.1	
8052367		4902500000	102	16-A-27	NAVAL PETROLEUM RESERVE	0.7	
8052548		4902500000	102	16-AX-2	NAVAL PETROLEUM RESERVE	1.5	
8052358		4902500000	102	16-AX-28	NAVAL PETROLEUM RESERVE	0.4	
8052610		4902500000	102	16-SX-11	NAVAL PETROLEUM RESERVE	0.1	
8052547		4902500000	102	16-SX-2	NAVAL PETROLEUM RESERVE	0.2	
8052594		4902500000	102	17-AX-11	NAVAL PETROLEUM RESERVE	79.2	
8052593		4902500000	102	17-S-11	NAVAL PETROLEUM RESERVE	0.9	
8052447		4902500000	102	17-S-34	NAVAL PETROLEUM RESERVE	0.1	
8052389		4902500000	102	17-STX/SHX-10	NAVAL PETROLEUM RESERVE	0.5	
8052549		4902500000	102	17-SX-2	NAVAL PETROLEUM RESERVE	0.1	
8052611		4902500000	102	18-SX-11	NAVAL PETROLEUM RESERVE	0.1	
8052550		4902500000	102	18-SX-2	NAVAL PETROLEUM RESERVE	0.2	
8052480		4902500000	102	18-SX-34	NAVAL PETROLEUM RESERVE	0.5	
8052540		4902500000	102	21-A-10	NAVAL PETROLEUM RESERVE	1.3	
8052376		4902500000	102	21-A-28	NAVAL PETROLEUM RESERVE	2.6	
8052370		4902500000	102	21-A-34	NAVAL PETROLEUM RESERVE	5.5	
8052564		4902500000	102	21-S-11	NAVAL PETROLEUM RESERVE	0.1	
8052615		4902500000	102	21-S-14	NAVAL PETROLEUM RESERVE	0.3	
8052569		4902500000	102	21-S-3	NAVAL PETROLEUM RESERVE	0.2	
8052390		4902500000	102	22-S-10	NAVAL PETROLEUM RESERVE	0.9	
8052432		4902500000	102	22-S-11	NAVAL PETROLEUM RESERVE	0.7	
8052570		4902500000	102	22-SX-3	NAVAL PETROLEUM RESERVE	0.8	
8052355		4902500000	102	23 - SHX - 33	NAVAL PETROLEUM RESERVE	1.5	
8052391		4902500000	102	23-A-10	NAVAL PETROLEUM RESERVE	1.8	
8052377		4902500000	102	23-A-28	NAVAL PETROLEUM RESERVE	1.5	
8052356		4902500000	102	23-A-33	NAVAL PETROLEUM RESERVE	0.7	
8052459		4902500000	102	23-A-34	NAVAL PETROLEUM RESERVE	16.7	
8052435		4902500000	102	23-AX-11	NAVAL PETROLEUM RESERVE	1.3	
8052433		4902500000	102	23-S-11	NAVAL PETROLEUM RESERVE	1.3	
8052434		4902500000	102	23-STX-11	NAVAL PETROLEUM RESERVE	0.9	
8052571		4902500000	102	23-SX-3	NAVAL PETROLEUM RESERVE	0.9	
8052551		4902500000	102	24-SX-2	NAVAL PETROLEUM RESERVE	0.1	
8052572		4902500000	102	24-SX-3	NAVAL PETROLEUM RESERVE	0.1	
8052392		4902500000	102	25-AX-10	NAVAL PETROLEUM RESERVE	46.4	
8052436		4902500000	102	25-SX-11	NAVAL PETROLEUM RESERVE	0.9	
8052552		4902500000	102	25-SX-2	NAVAL PETROLEUM RESERVE	0.1	
8052573		4902500000	102	25-SX-3	NAVAL PETROLEUM RESERVE	0.4	
8052626		4902500000	102	26-AX-11	NAVAL PETROLEUM RESERVE	121.5	
8052523		4902500000	102	26-AX-3	NAVAL PETROLEUM RESERVE	146.7	
8052625		4902500000	102	26-SX-11	NAVAL PETROLEUM RESERVE	0.1	
8052553		4902500000	102	26-SX-2	NAVAL PETROLEUM RESERVE	0.1	
8052522		4902500000	102	26-SX-3	NAVAL PETROLEUM RESERVE	0.3	
8052368		4902500000	102	27-A-27	NAVAL PETROLEUM RESERVE	0.8	
8052353		4902500000	102	27-AX-28	NAVAL PETROLEUM RESERVE	0.9	
8052627		4902500000	102	27-S-11	NAVAL PETROLEUM RESERVE	0.1	
8052524		4902500000	102	27-S-3	NAVAL PETROLEUM RESERVE	0.1	

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JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8052554		4902500000	102	27-SX-2	NAVAL PETROLEUM RESERVE	0.2	
8052612		4902500000	102	28-A-11	NAVAL PETROLEUM RESERVE	0.9	
8052526		4902500000	102	28-AX-3	NAVAL PETROLEUM RESERVE	147.0	
8052525		4902500000	102	28-S-3	NAVAL PETROLEUM RESERVE	0.1	
8052481		4902500000	102	28-S-34	NAVAL PETROLEUM RESERVE	0.3	
8052595		4902500000	102	28-SX-11	NAVAL PETROLEUM RESERVE	0.9	
8052541		4902500000	102	31-S-10	NAVAL PETROLEUM RESERVE	0.4	
8052574		4902500000	102	31-S-3	NAVAL PETROLEUM RESERVE	0.1	
8052378		4902500000	102	32-A-28	NAVAL PETROLEUM RESERVE	7.3	
8052452		4902500000	102	32-A-34	NAVAL PETROLEUM RESERVE	55.7	
8052393		4902500000	102	32-SX-10	NAVAL PETROLEUM RESERVE	2.0	
8052575		4902500000	102	32-SX-3	NAVAL PETROLEUM RESERVE	0.9	
8052394		4902500000	102	33-MX-10	NAVAL PETROLEUM RESERVE	19.1	
8052460		4902500000	102	33-S-34	NAVAL PETROLEUM RESERVE	0.1	
8052576		4902500000	102	33-SX-3	NAVAL PETROLEUM RESERVE	1.3	
8052440		4902500000	102	34-AX-33	NAVAL PETROLEUM RESERVE	0.4	
8052396		4902500000	102	34-STX-10	NAVAL PETROLEUM RESERVE	4.5	
8052395		4902500000	102	34-SX-10	NAVAL PETROLEUM RESERVE	0.8	
8052577		4902500000	102	34-SX-3	NAVAL PETROLEUM RESERVE	0.1	
8052463		4902500000	102	35-AX-34	NAVAL PETROLEUM RESERVE	0.1	
8052397		4902500000	102	35-S-10	NAVAL PETROLEUM RESERVE	0.9	
8052462		4902500000	102	35-SHX-34	NAVAL PETROLEUM RESERVE	0.9	
8052544		4902500000	102	35-SX-3	NAVAL PETROLEUM RESERVE	0.6	
8052461		4902500000	102	35-SX-34	NAVAL PETROLEUM RESERVE	0.1	
8052628		4902500000	102	36-SX-11	NAVAL PETROLEUM RESERVE	0.9	
8052527		4902500000	102	36-SX-3	NAVAL PETROLEUM RESERVE	0.3	
8052464		4902500000	102	36-SX-34	NAVAL PETROLEUM RESERVE	0.1	
8052399		4902500000	102	37-AX-10	NAVAL PETROLEUM RESERVE	6.6	
8052545		4902500000	102	37-AX-3	NAVAL PETROLEUM RESERVE	0.0	
8052398		4902500000	102	37-SHX-10	NAVAL PETROLEUM RESERVE	0.8	
8052528		4902500000	102	37-SX-3	NAVAL PETROLEUM RESERVE	0.1	
8052465		4902500000	102	37-SX-34	NAVAL PETROLEUM RESERVE	0.1	
8052369		4902500000	102	38-A-27	NAVAL PETROLEUM RESERVE	10.9	
8052529		4902500000	102	38-S-3	NAVAL PETROLEUM RESERVE	0.4	
8052482		4902500000	102	38-SX-34	NAVAL PETROLEUM RESERVE	0.8	
8052629		4902500000	102	38-SX-11	NAVAL PETROLEUM RESERVE	0.8	
8052379		4902500000	102	41-A-28	NAVAL PETROLEUM RESERVE	1.0	
8052454		4902500000	102	41-AX-34	NAVAL PETROLEUM RESERVE	0.9	
8052636		4902500000	102	41-S-14	NAVAL PETROLEUM RESERVE	0.9	
8052542		4902500000	102	41-SX-10	NAVAL PETROLEUM RESERVE	0.3	
8052475		4902500000	102	41-SX-3	NAVAL PETROLEUM RESERVE	0.1	
8052453		4902500000	102	41-SX-34	NAVAL PETROLEUM RESERVE	1.1	
8052400		4902500000	102	42-S-10	NAVAL PETROLEUM RESERVE	0.6	
8052455		4902500000	102	42-S-34	NAVAL PETROLEUM RESERVE	1.0	
8052467		4902500000	102	43-A-34	NAVAL PETROLEUM RESERVE	0.5	
8052501		4902500000	102	43-S-3	NAVAL PETROLEUM RESERVE	1.1	
8052401		4902500000	102	43-SX-10	NAVAL PETROLEUM RESERVE	1.6	
8052466		4902500000	102	43-SX-34	NAVAL PETROLEUM RESERVE	0.1	
8052359		4902500000	102	44-A-29	NAVAL PETROLEUM RESERVE	0.4	
8052403		4902500000	102	44-MX-10	NAVAL PETROLEUM RESERVE	55.8	
8052502		4902500000	102	44-S-3	NAVAL PETROLEUM RESERVE	0.7	
8052402		4902500000	102	44-SX-10	NAVAL PETROLEUM RESERVE	0.9	

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JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8052468		4902500000	102	44-SX-34	NAVAL PETROLEUM RESERVE	0.2	
8052469		4902500000	102	45-A-34	NAVAL PETROLEUM RESERVE	43.8	
8052381		4902500000	102	45-AX-28	NAVAL PETROLEUM RESERVE	164.2	
8052530		4902500000	102	45-S-3	NAVAL PETROLEUM RESERVE	0.2	
8052630		4902500000	102	45-SX-11	NAVAL PETROLEUM RESERVE	0.2	
8052531		4902500000	102	46-S-3	NAVAL PETROLEUM RESERVE	0.1	
8052441		4902500000	102	46-SHX-33	NAVAL PETROLEUM RESERVE	0.9	
8052631		4902500000	102	46-SX-11	NAVAL PETROLEUM RESERVE	0.3	
8052470		4902500000	102	46-SX-34	NAVAL PETROLEUM RESERVE	0.1	
8052374		4902500000	102	47-A-21	NAVAL PETROLEUM RESERVE	0.7	
8052471		4902500000	102	47-A-34	NAVAL PETROLEUM RESERVE	0.9	
8052404		4902500000	102	47-S-10	NAVAL PETROLEUM RESERVE	0.8	
8052632		4902500000	102	47-SX-11	NAVAL PETROLEUM RESERVE	0.1	
8052532		4902500000	102	47-SX-3	NAVAL PETROLEUM RESERVE	0.9	
8052483		4902500000	102	47-SX-34	NAVAL PETROLEUM RESERVE	0.1	
8052533		4902500000	102	48-S-3	NAVAL PETROLEUM RESERVE	0.2	
8052484		4902500000	102	48-S-34	NAVAL PETROLEUM RESERVE	0.1	
8052637		4902500000	102	51-S-14	NAVAL PETROLEUM RESERVE	1.0	
8052543		4902500000	102	51-SX-10	NAVAL PETROLEUM RESERVE	0.3	
8052597		4902500000	102	51-SX-15	NAVAL PETROLEUM RESERVE	0.9	
8052476		4902500000	102	51-SX-3	NAVAL PETROLEUM RESERVE	0.1	
8052437		4902500000	102	51-TX-33	NAVAL PETROLEUM RESERVE	46.5	
8052380		4902500000	102	52-A-28	NAVAL PETROLEUM RESERVE	1.4	
8052598		4902500000	102	52-AX-15	NAVAL PETROLEUM RESERVE	1.0	
8052360		4902500000	102	52-AX-29	NAVAL PETROLEUM RESERVE	0.4	
8052617		4902500000	102	52-STX-15	NAVAL PETROLEUM RESERVE	0.2	
8052405		4902500000	102	52-SX-10	NAVAL PETROLEUM RESERVE	0.9	
8052616		4902500000	102	52-SX-15	NAVAL PETROLEUM RESERVE	0.2	
8052503		4902500000	102	52-SX-3	NAVAL PETROLEUM RESERVE	1.4	
8052456		4902500000	102	52-SX-34	NAVAL PETROLEUM RESERVE	0.9	
8052504		4902500000	102	53-S-3	NAVAL PETROLEUM RESERVE	0.8	
8052457		4902500000	102	53-S-34	NAVAL PETROLEUM RESERVE	0.1	
8052406		4902500000	102	53-SX-10	NAVAL PETROLEUM RESERVE	0.5	
8052382		4902500000	102	54-A-28	NAVAL PETROLEUM RESERVE	2.5	
8052472		4902500000	102	54-S-34	NAVAL PETROLEUM RESERVE	0.3	
8052407		4902500000	102	54-SX-10	NAVAL PETROLEUM RESERVE	0.9	
8052505		4902500000	102	54-SX-3	NAVAL PETROLEUM RESERVE	0.9	
8052361		4902500000	102	55-A-29	NAVAL PETROLEUM RESERVE	0.4	
8052442		4902500000	102	55-AX-33	NAVAL PETROLEUM RESERVE	1.6	
8052506		4902500000	102	55-S-3	NAVAL PETROLEUM RESERVE	1.4	
8052473		4902500000	102	55-S-34	NAVAL PETROLEUM RESERVE	0.1	
8052408		4902500000	102	55-SX-10	NAVAL PETROLEUM RESERVE	0.9	
8052383		4902500000	102	56-A-28	NAVAL PETROLEUM RESERVE	94.9	
8052603		4902500000	102	56-LX-10	NAVAL PETROLEUM RESERVE	41.6	
8052602		4902500000	102	56-MX-10	NAVAL PETROLEUM RESERVE	199.0	
8052534		4902500000	102	56-S-3	NAVAL PETROLEUM RESERVE	0.2	
8052633		4902500000	102	56-SX-11	NAVAL PETROLEUM RESERVE	0.1	
8052485		4902500000	102	56-SX-34	NAVAL PETROLEUM RESERVE	0.1	
8052586		4902500000	102	57-S-10	NAVAL PETROLEUM RESERVE	1.0	
8052486		4902500000	102	57-S-34	NAVAL PETROLEUM RESERVE	0.1	
8052604		4902500000	102	57-STX-10	NAVAL PETROLEUM RESERVE	2.0	
8052535		4902500000	102	57-SX-3	NAVAL PETROLEUM RESERVE	0.1	

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JD NO	JA DKT	API NO	SEC	D	WELL NAME	FIELD NAME	PROD	PURCHASER
8052489		4902500000	102		58-A-34	NAVAL PETROLEUM RESERVE	2.5	
8052536		4902500000	102		58-S-3	NAVAL PETROLEUM RESERVE	0.8	
8052488		4902500000	102		58-STX-34	NAVAL PETROLEUM RESERVE	0.7	
8052634		4902500000	102		58-SX-11	NAVAL PETROLEUM RESERVE	0.0	
8052487		4902500000	102		58-SX-34	NAVAL PETROLEUM RESERVE	0.1	
8052478		4902500000	102		61-A-3	NAVAL PETROLEUM RESERVE	26.2	
8052638		4902500000	102		61-S-14	NAVAL PETROLEUM RESERVE	1.4	
8052410		4902500000	102		61-SX-10	NAVAL PETROLEUM RESERVE	0.1	
8052618		4902500000	102		61-SX-15	NAVAL PETROLEUM RESERVE	0.2	
8052477		4902500000	102		61-SX-3	NAVAL PETROLEUM RESERVE	0.7	
8052411		4902500000	102		62-S-10	NAVAL PETROLEUM RESERVE	0.4	
8052619		4902500000	102		62-S-15	NAVAL PETROLEUM RESERVE	0.1	
8052507		4902500000	102		62-S-3	NAVAL PETROLEUM RESERVE	0.9	
8052384		4902500000	102		63-A-28	NAVAL PETROLEUM RESERVE	2.1	
8052362		4902500000	102		63-AX-29	NAVAL PETROLEUM RESERVE	0.9	
8052620		4902500000	102		63-S-15	NAVAL PETROLEUM RESERVE	0.1	
8052412		4902500000	102		63-SX-10	NAVAL PETROLEUM RESERVE	0.8	
8052508		4902500000	102		63-SX-3	NAVAL PETROLEUM RESERVE	0.9	
8052458		4902500000	102		63-SX-34	NAVAL PETROLEUM RESERVE	0.1	
8052363		4902500000	102		64-AX-29	NAVAL PETROLEUM RESERVE	0.4	
8052413		4902500000	102		64-S-10	NAVAL PETROLEUM RESERVE	0.9	
8052474		4902500000	102		64-S-34	NAVAL PETROLEUM RESERVE	0.1	
8052509		4902500000	102		64-SX-3	NAVAL PETROLEUM RESERVE	0.2	
8052385		4902500000	102		65-A-28	NAVAL PETROLEUM RESERVE	18.2	
8052409		4902500000	102		65-S-10	NAVAL PETROLEUM RESERVE	0.4	
8052510		4902500000	102		65-S-3	NAVAL PETROLEUM RESERVE	1.0	
8052490		4902500000	102		65-SX-34	NAVAL PETROLEUM RESERVE	0.2	
8052364		4902500000	102		66-A-29	NAVAL PETROLEUM RESERVE	0.9	
8052587		4902500000	102		66-SX-10	NAVAL PETROLEUM RESERVE	0.9	
8052537		4902500000	102		66-SX-3	NAVAL PETROLEUM RESERVE	0.2	
8052491		4902500000	102		66-SX-34	NAVAL PETROLEUM RESERVE	0.3	
8052538		4902500000	102		67-S-3	NAVAL PETROLEUM RESERVE	0.7	
8052605		4902500000	102		67-SX-10	NAVAL PETROLEUM RESERVE	0.1	
8052635		4902500000	102		67-SX-11	NAVAL PETROLEUM RESERVE	0.1	
8052448		4902500000	102		67-SX-27	NAVAL PETROLEUM RESERVE	0.1	
8052492		4902500000	102		67-SX-34	NAVAL PETROLEUM RESERVE	0.2	
8052588		4902500000	102		68-S-10	NAVAL PETROLEUM RESERVE	0.1	
8052539		4902500000	102		68-S-3	NAVAL PETROLEUM RESERVE	0.1	
8052493		4902500000	102		68-S-34	NAVAL PETROLEUM RESERVE	0.3	
8052449		4902500000	102		68-SX-27	NAVAL PETROLEUM RESERVE	1.2	
8052415		4902500000	102		71-STX-10	NAVAL PETROLEUM RESERVE	1.3	
8052414		4902500000	102		71-SX-10	NAVAL PETROLEUM RESERVE	0.9	
8052599		4902500000	102		71-SX-15	NAVAL PETROLEUM RESERVE	0.1	
8052479		4902500000	102		71-SX-3	NAVAL PETROLEUM RESERVE	0.2	
8052372		4902500000	102		72-A-28	NAVAL PETROLEUM RESERVE	1.0	
8052579		4902500000	102		72-A-4	NAVAL PETROLEUM RESERVE	104.1	
8052513		4902500000	102		72-AX-3	NAVAL PETROLEUM RESERVE	0.4	
8052416		4902500000	102		72-S-10	NAVAL PETROLEUM RESERVE	0.6	
8052621		4902500000	102		72-S-15	NAVAL PETROLEUM RESERVE	0.2	
8052512		4902500000	102		72-STX-3	NAVAL PETROLEUM RESERVE	1.4	
8052511		4902500000	102		72-SX-3	NAVAL PETROLEUM RESERVE	0.2	
8052578		4902500000	102		72-SX-4	NAVAL PETROLEUM RESERVE	1.2	

JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8052600		4902500000	102	73-AX-15	NAVAL PETROLEUM RESERVE	0.9	
8052417		4902500000	102	73-S-10	NAVAL PETROLEUM RESERVE	0.9	
8052386		4902500000	102	74-A-28	NAVAL PETROLEUM RESERVE	11.9	
8052515		4902500000	102	74-AX-3	NAVAL PETROLEUM RESERVE	67.5	
8052418		4902500000	102	74-S-10	NAVAL PETROLEUM RESERVE	0.9	
8052514		4902500000	102	74-SX-3	NAVAL PETROLEUM RESERVE	1.8	
8052365		4902500000	102	75-AX-29	NAVAL PETROLEUM RESERVE	0.9	
8052516		4902500000	102	75-S-3	NAVAL PETROLEUM RESERVE	0.7	
8052419		4902500000	102	75-SX-10	NAVAL PETROLEUM RESERVE	1.4	
8052556		4902500000	102	76-A-3	NAVAL PETROLEUM RESERVE	18.3	
8052606		4902500000	102	76-SX-10	NAVAL PETROLEUM RESERVE	0.6	
8052450		4902500000	102	76-SX-27	NAVAL PETROLEUM RESERVE	0.1	
8052555		4902500000	102	76-SX-3	NAVAL PETROLEUM RESERVE	0.8	
8052443		4902500000	102	77-A-33	NAVAL PETROLEUM RESERVE	0.8	
8052589		4902500000	102	77-S-10	NAVAL PETROLEUM RESERVE	0.1	
8052451		4902500000	102	77-S-27	NAVAL PETROLEUM RESERVE	1.0	
8052557		4902500000	102	77-S-3	NAVAL PETROLEUM RESERVE	0.9	
8052494		4902500000	102	77-S-34	NAVAL PETROLEUM RESERVE	0.6	
8052607		4902500000	102	77-STX-10	NAVAL PETROLEUM RESERVE	0.9	
8052558		4902500000	102	78-SX-3	NAVAL PETROLEUM RESERVE	0.9	
8052495		4902500000	102	78-SX-34	NAVAL PETROLEUM RESERVE	0.5	
8052421		4902500000	102	81-AX-10	NAVAL PETROLEUM RESERVE	0.9	
8052438		4902500000	102	81-AX-33	NAVAL PETROLEUM RESERVE	182.5	
8052581		4902500000	102	81-AX-4	NAVAL PETROLEUM RESERVE	149.6	
8052420		4902500000	102	81-S-10	NAVAL PETROLEUM RESERVE	1.0	
8052517		4902500000	102	81-S-3	NAVAL PETROLEUM RESERVE	0.2	
8052580		4902500000	102	81-S-4	NAVAL PETROLEUM RESERVE	0.1	
8052622		4902500000	102	81-SX-15	NAVAL PETROLEUM RESERVE	0.2	
8052601		4902500000	102	82-A-15	NAVAL PETROLEUM RESERVE	1.0	
8052518		4902500000	102	82-S-3	NAVAL PETROLEUM RESERVE	0.3	
8052422		4902500000	102	82-SX-10	NAVAL PETROLEUM RESERVE	0.9	
8052623		4902500000	102	82-SX-15	NAVAL PETROLEUM RESERVE	0.2	
8052582		4902500000	102	82-SX-4	NAVAL PETROLEUM RESERVE	0.9	
8052373		4902500000	102	83-A-28	NAVAL PETROLEUM RESERVE	1.0	
8052584		4902500000	102	83-A-4	NAVAL PETROLEUM RESERVE	119.0	
8052424		4902500000	102	83-AX-10	NAVAL PETROLEUM RESERVE	49.4	
8052423		4902500000	102	83-SX-10	NAVAL PETROLEUM RESERVE	0.9	
8052624		4902500000	102	83-SX-15	NAVAL PETROLEUM RESERVE	0.2	
8052519		4902500000	102	83-SX-3	NAVAL PETROLEUM RESERVE	0.9	
8052583		4902500000	102	83-SX-4	NAVAL PETROLEUM RESERVE	1.1	
8052425		4902500000	102	84-SX-10	NAVAL PETROLEUM RESERVE	0.9	
8052387		4902500000	102	85-A-28	NAVAL PETROLEUM RESERVE	7.3	
8052427		4902500000	102	85-AX-10	NAVAL PETROLEUM RESERVE	11.0	
8052521		4902500000	102	85-AX-3	NAVAL PETROLEUM RESERVE	30.6	
8052585		4902500000	102	85-AX-4	NAVAL PETROLEUM RESERVE	32.1	
8052426		4902500000	102	85-S-10	NAVAL PETROLEUM RESERVE	1.4	
8052520		4902500000	102	85-S-3	NAVAL PETROLEUM RESERVE	1.5	
8052366		4902500000	102	86-AX-29	NAVAL PETROLEUM RESERVE	0.6	
8052608		4902500000	102	86-JX-10	NAVAL PETROLEUM RESERVE	1.9	
8052590		4902500000	102	86-S-10	NAVAL PETROLEUM RESERVE	0.9	
8052559		4902500000	102	86-S-3	NAVAL PETROLEUM RESERVE	0.9	
8052444		4902500000	102	87-AX-33	NAVAL PETROLEUM RESERVE	1.3	
8052609		4902500000	102	87-S-10	NAVAL PETROLEUM RESERVE	0.3	

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JD NO	JA DKT	API NO	SEC D	WELL NAME	FIELD NAME	PROD	PURCHASER
8052560		4902500000	102	87-SX-3	NAVAL PETROLEUM RESERVE	0.2	
8052592		4902500000	102	88-AX-10	NAVAL PETROLEUM RESERVE	1.0	
8052562		4902500000	102	88-AX-3	NAVAL PETROLEUM RESERVE	10.8	
8052446		4902500000	102	88-AX-33	NAVAL PETROLEUM RESERVE	3.8	
8052591		4902500000	102	88-S-10	NAVAL PETROLEUM RESERVE	0.1	
8052561		4902500000	102	88-S-3	NAVAL PETROLEUM RESERVE	0.4	
8052445		4902500000	102	88-S-33	NAVAL PETROLEUM RESERVE	0.1	
8052496		4902500000	102	88-S-34	NAVAL PETROLEUM RESERVE	0.3	

OTHER PURCHASERS

8052691	NORTHERN NATURAL GAS CO
8052769	WESTERN GAS CORP
8052717	HOUSTON P L CO
8052728	EL PASO NATURAL GAS CO
8052746	AMOCO GAS CO
8052747	AMOCO GAS CO
8052748	AMOCO GAS CO
8052749	AMOCO GAS CO
8052750	AMOCO GAS CO
8052751	AMOCO GAS CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" after the section code. Estimated annual production (PROD) is in million cubic feet (MMcf).

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before October 2, 1980.

Please reference the FERC Control Number (JD NO) in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-28433 Filed 9-16-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1924]

Robert C. Arnold; Filing

September 11, 1980.

Take notice that on August 28, 1980, Robert C. Arnold (Applicant) filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Senior Vice President, Metropolitan Edison Company, Public Utility
Senior Vice President, Jersey Central Power & Light Company, Public Utility

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 30, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any persons wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-28711 Filed 9-16-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1925]

Philip R. Clark; filing

September 11, 1980.

Take notice that on August 28, 1980, Philip Clark (Applicant) filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Jersey Central Power & Light Company, Public Utility
Vice President, Metropolitan Edison Company, Public Utility

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 30, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-28712 Filed 9-16-80, 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-516]

Columbia Gas Transmission Corp.; Application

September 11, 1980.

Take notice that on August 25, 1980, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP80-516 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of 98 interconnecting tap facilities to provide additional points of delivery to existing wholesale customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the following new points of delivery for the following wholesale customers:

(1) Columbia Gas of Kentucky, Inc., 11 taps for residential service, Estimated annual usage of 1,800 Mcf.

(2) Columbia Gas of Maryland, Inc., 1 tap for residential service, Estimated annual usage of 150 Mcf.

(3) Columbia Gas of Ohio, Inc., 39 taps for residential service, 1 tap for commercial service, Estimated annual usage of 7,285 Mcf.

(4) Columbia Gas of Pennsylvania, Inc., 10 taps for residential service, Estimated annual usage of 1,500 Mcf.

(5) Columbia Gas of Virginia, Inc., 1 tap for residential service, Estimated annual usage of 150 Mcf.

(6) Columbia Gas of West Virginia, Inc., 31 taps for residential service, 2 taps for commercial service, 1 tap for industrial service, Estimated annual usage of 35,900 Mcf.

(7) The Dayton Power and Light Company, 1 tap for residential service, Estimated annual usage of 150 Mcf.

Applicant estimates the total cost of construction to be $64,175 which would be financed through internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 3, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedures (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28727 Filed 9-16-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. QF80-19]

Cranston Print Works Co.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

September 11, 1980.

On August 26, 1980, Cranston Print Works Company filed with the Federal Energy Regulatory Commission (Commission) an application for certification of qualifying status of a cogeneration facility pursuant to § 292.207 of the Commission's rules.

The facility is located in Fletcher, North Carolina. The Cranston Print Works Company (Cranston) states that the facility is a cogeneration plant which will be operated to produce most of the power and process steam requirements of the Company's Fletcher, North Carolina textile printing and finishing plant. Cranston further states that coal will be the primary energy source of the facility, but provision is also being made for alternative fuels, including oil and/or gas. The capacity of the facility is three megawatts. Cranston is the sole owner of the facility. The facility is a topping cycle generation plant. Cranston states that operation of the facility will consist of firing a 200,000 pound per hour boiler, the steam output of which is used to drive two 1500 kilowatt electric turbine generators which in turn will supply at least two thirds of the electric power requirements for a textile manufacturing facility owned by the applicant and operated in conjunction with the cogeneration facility. Since essentially all of the output of the turbines and the auxiliaries will be through-put steam for the textile manufacturing plants, the useful thermal energy output of the facility will, during any calendar year period, be substantially above that defined as the *Operating Standard* in § 292.205(a)(1).

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 10 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28728 Filed 9-16-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA80-147]

Crystal Oil Co. and Crystal Gas Resources, Inc.; Application for Determination and for Adjustment Pursuant to Sections 110 and 502(c) of the Natural Gas Policy Act of 1978

September 11, 1980.

Take notice that on August 25, 1980, Crystal Oil Company, P.O. Box 21101, Shreveport, Louisiana 71120 and its wholly-owned subsidiary, Crystal Gas Resources, Inc. (Applicants), filed with the Federal Energy Regulatory Commission (Commission) an application for a determination under section 110 of the Natural Gas Policy Act of 1978, 15 U.S.C. 3301, *et seq.* (NGPA), and an adjustment under section 502(c) of the NGPA. Pursuant to §§ 271.1105, 1.41, and 271.1106 of the Commission's regulations, Applicants seek to collect a gathering, transmission, compression and processing allowance of 59.0 cents per Mcf for residue natural gas sold to Colorado Interstate Gas Company from the Roggen Gas Processing Plant in Weld County, Colorado.

The procedures applicable to the conduct of this determination and adjustment proceeding, are found in sections 271.1100 through 271.1106 of the Commission's regulations and section 1.41 of the Commission's Rules of Practice and Procedure, as promulgated in Order Nos. 94 and 24, issued July 25, 1980 and March 22, 1979, respectively.

Any person desiring to participate in this proceeding shall file a petition to intervene in accordance with the provisions of section 1.41. All petitions to intervene must be filed on or before October 2, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28713 Filed 9-16-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ID-1831]

Peter J. DeMaria; Filing

September 11, 1980.

Take notice that on August 28, 1980, Peter J. DeMaria (Applicant) filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Treasurer; Appalachian Power Company; Electric Utility
Treasurer; Beech Bottom Power Company; Electric Utility
Treasurer; Cardinal Operating Company; Electric Utility
Principal Accounting Officer; Columbus and Southern Ohio Electric Company; Electric Utility
Treasurer; Indiana & Michigan Electric Company; Electric Utility
Treasurer; Kanawha Valley Power Company; Electric Utility
Treasurer; Kentucky Power Company; Electric Utility
Treasurer; Kingsport Power Company; Electric Utility
Treasurer; Michigan Power Company; Electric Utility
Treasurer and Director; Ohio Power Company; Electric Utility
Treasurer; Wheeling Electric Company; Electric Utility

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 30, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28729 Filed 9-16-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3117]

Dodge Falls Hydro Associates; Granting Intervention

September 11, 1980.

The Attorney General of the State of Vermont (Attorney General) has filed a petition to intervene in the proceeding involving the application for a preliminary permit for the Ryegate Hydroelectric Project, FERC Project No. 3117. The petition was filed on July 24, 1980. No objections to the petition have been received.

The Attorney General states (1) that he is authorized to represent the State of Vermont (State) in all matters and that as a matter of public policy of the State, he should represent the State at hearings involving utilities matters of major import for the people of the State; (2) that the State's interests are not represented by any other party to the proceedings; and (3) that he has the power to speak for the State on consumer and environmental issues, and questions concerning the laws of the State.

It appears to be in the public interest to allow the Attorney General to participate in this proceeding.

Pursuant to § 375.302 of the Commission's regulations (45 FR 21216 (1980), *amending* 18 CFR 3.5(a) (1979)), the Petitioner is permitted to intervene in the proceeding subject to the Commission's rules and regulations under the Federal Power Act (16 U.S.C. §§ 791(a), 825(r)). Participation of the intervenor shall be limited to matters affecting asserted rights and interests specifically set forth in its petition to intervene. The admission of the intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order entered in this proceeding.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28714 Filed 9-16-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP76-87]

El Paso Natural Gas Co.; Amendment to Application

September 11, 1980.

Take notice that on August 12, 1980, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP76-87[1] an amendment to its application in the instant docket filed pursuant to Section 7(c) of the Natural Gas Act requesting authorization for the operation of Rhodes Reservoir Storage Project (Rhodes Reservoir) from November 6, 1976, until the issuance of Commission authorization for the abandonment of the use and operation of Rhodes Reservoir facilities for natural gas storage and the storage srvice rendered by means of such facilities, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that on November 6, 1975, it received a temporary certificate authorizing the extended operation of the Rhodes Reservoir. It is stated that the term was thereafter extended on a year to year basis until a November 17, 1978, temporary certificate extended the authorized term for an indefinite period to end on the date of the Commission's final order on El Paso's application for a permanent certificate.

Applicant states that it had advised the Commission of certain difficulties it had encountered in the operation of Rhodes Reservoir and was authorized to withdraw the remaining gas inventory stored in the reservoir.

Applicant herein seeks authorization to continue to operate Rhodes Reservoir as a storage facility and to perform the related storage service from November 6, 1975, through the date on which the Commission grants the abandonment authorization for which Applicant has concurrently filed. Further, Applicant wishes to amend the pending application so as to authorize the withdrawal from Rhodes Reservoir of approximately 2,900,000 Mcf of injected cushion gas and the delivery of such gas, subject to Applicant's operational capability, to those low priority east-of-California customers which were originally curtailed in 1973 in order to make the gas available for injection into Rhodes Reservoir. It is stated that Applicant proposes to sell the injected cushion gas at the 1973 value of the gas plus the appropriate current mainline transmission charge. Applicant avers that revenues thus received would be credited to its unrecovered purchase gas cost under the terms of the stipulation and agreement in settlement of rate proceeding dated May 31, 1979, which would reduce the balance of such account and benefit all of Applicant's customers. Further, Applicant also requests authorization to exclude such volumes from Article V, Paragraph A, *Contingent Refunds for Sales in Excess of Settlement of Sales Volumes,* of said stipulation and agreement. Finally, Applicant requests that such volumes be exempted from the provisions of Order No. 49 to the extent that these provisions might otherwise require incremental pricing of gas sold to the lower priority customers.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before October 3, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.110). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28721 Filed 9-16-80, 8:45 am]

BILLING CODE 6450-85-M

[Docket No. QF80-21]

French Paper Co. Application for Commission Certification of Qualifying Status of a Small Power Production Facility

September 11, 1980.

On August 25, 1980, French Paper Company filed with the Federal Energy Regulatory Commission (Commission) an application for certification of qualifying status of a cogeneration facility pursuant to § 292.207 of the Commission's rules.

The French Paper Company facility is located within the City of Niles, Michigan along the west bank of the St. Joseph River. It operates a small power production facility in conjunction with the manufacture of premium grade text and coverweight papers. The primary energy source for the facility is hydro power from a low head dam water impoundment and millrace. The four waterwheels operated at the facility have a combined capacity of 1.4 megawatts. The French Paper Company states that the facility is interconnected with the utility grid of the Indiana and Michigan Electric Company. It further states that it owns only this one power production facility and there are no other such facilities within one mile of said facility, nor do any other small power production facilities use water from the same impoundment for power generation.

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[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 10 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28730 Filed 9-16-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-512]

Great Lakes Gas Transmission Co.; Application

September 11, 1980.

Take notice that on August 20, 1980, Great Lakes Gas Transmission Company (Applicant), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket No. CP80-512 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 0.7 mile of 36-inch pipeline loop on its existing pipeline system in Minnesota, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to construct and operate 0.7 mile of 36-inch pipeline loop parallel to its existing pipeline system which is used to render natural gas service to its interstate and foreign customers. Applicant states that the pipeline would be constructed from milepost 0.1 near the United States Canadian International Boundary to milepost 0.7 at Great Lakes Compressor Station No. 1 near St. Vincent, Minnesota (St. Vincent Compressor Station).

It is stated that Applicant's use of a single pipeline between Emerson Meter Station and the St. Vincent Compressor Station has resulted in a pulsation problem that affects the accuracy of gas measurement at the Emerson Meter Station. Applicant expects that the installation of the 0.7 mile of proposed loop would reduce the effect of pulsation and improve the accuracy of the Emerson meter. Applicant states that all of its volumes imported into the United States from Canada are measured at the Emerson Meter Station and any improvement in measuring accuracy would result in savings to its customers.

Moreover, Applicant estimates the installation of the proposed loop would reduce the fuel usage on Applicant's system by approximately 16,000 Mcf annually resulting in an annual cost savings of approximately $72,000 at the current import price of Canadian gas of $4.47 per million Btu.

Applicant estimates the total cost of the proposed loop to be $797,800 which would be financed from internally generated funds together with short-term bank borrowing if required.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 3, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28722 Filed 9-16-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3187]

Harrison Western Corp.; Granting Intervention

September 11, 1980.

On May 27, 1980, Harrison Western Corporation filed an application for a preliminary permit for proposed Project No. 3187 to be known as the Granby Project located on the Colorado River near the Town of Granby, Grand County, Colorado, at the existing Granby Dam owned by the United States Water and Power Resources Service.

On August 20, 1980, the Board of County Commissioners of the County of Grand, Colorado (County) filed a petition to intervene in the Project No. 3187 proceeding. The County states that the proposed project requires a special use permit under applicable county zoning regulations and that the County is at this time without sufficient information to form a position regarding the application for preliminary permit. No response to the petition to intervene was filed.

Intervention by the County in this proceeding may be in the public interest.

Pursuant to § 375.302 of the Commission's regulations, 45 Fed. Reg. 21216 (1980), amending 18 CFR 3.5(a) 1979, as promulgated by Federal Energy Regulatory Commission rulemaking RM78-19 (issued August 14, 1978), the County is permitted to intervene in this proceeding subject to the Commission's Rules and Regulations under the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r). Participation of the intervenor shall be limited to matters affecting asserted rights and interests specifically set forth in its petition to intervene. The admission of the intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order entered in this proceeding.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28715 Filed 9-16-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. QF80-20]

Hoffman-La Roche, Inc.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

September 11, 1980.

On August 26, 1980, Hoffman-La Roche, Inc., filed with the Federal Energy Regulatory Commission (Commission) an application for certification of qualifying status of a cogeneration facility pursuant to § 292.207 of the Commission's rules.

QF80-20

The proposed cogeneration system will be located at the Hoffman-La Roche Belvidere plant in Belvidere, New Jersey. Hoffman-La Roche states that the proposed cogeneration system for this plant utilizes a slow-speed, two-stroke 23,300 kilowatt diesel engine burning residual oil. It states that the engine type has the capability for burning SRC-II type coal-based synthetic fuels. The hot gases from the diesel engine, containing about 15 percent oxygen, are utilized as the source of combustion oxygen for a supplementary-fired waste heat boiler producing 160,000 lbs/hr of 225 psig steam for process. It further states that in addition to the energy recovery in the supplementary-fired boiler, about 22.9 x 10^6 Btu/hr is recovered from the engine/turbocharger air cooler which is used to preheat feedwater. It states that the plant will utilize the entire thermal output of the cogeneration system, consuming 20,000—23,000 kilowatts of the 23,300 kilowatts generated, with the remaining amount exported into the utility grid. The cogeneration plant will operate continuously at full load for 8,400 hours per year. Hoffman-La Roche states that the net system heat rate is 3752 Btu (LVH)/KWhr and the overall efficiency of energy utilization is 87 percent. Hoffman-La Roche is the sole owner of the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 10 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28731 Filed 9-16-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA80-118]

Mansfield Products Co.; Request for Adjustment

Issued September 11, 1980.

Take notice that in a letter dated March, 25, 1980, Mansfield Products Company (Mansfield), 246 East Fourth Street, Mansfield, Ohio 44902, filed with the Federal Energy Regulatory Commission (Commission) a request for an exemption from the Commission's incremental pricing regulations, (18 CFR Part 282), in the captioned docket pursuant to § 1.41 of the Commission's regulations. In a letter dated April 21, 1980, Mansfield requested interim relief under § 1.41(m).

In support of its application, Mansfield stated that its plant went on strike beginning March 16, 1980. It noted that it normally uses coal to fuel two coal-fired boilers, but that due to the strike, coal deliveries ceased. As a result, Mansfield was constrained to use more than 300 Mcf of natural gas per day in its gas-fired boiler to avoid freezeups and provide plant protection heat during the cold weather periods of March 1980, and early April, 1980. It is for this limited period of gas consumption that Mansfield requests an exemption from the Commission's incremental pricing regulations.

The procedures applicable to the conduct of this proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure, Order No. 24, issued March 22, 1979, as amended.

Any person desiring to participate in this adjustment proceeding shall filed a petition to intervene in accordance with the priovisions of § 1.41. All petitions to intervene must be filed by October 2, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28716 Filed 9-16-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP79-39]

Michigan Wisconsin Pipe Line Co.; Correction to Tariff Changes Filed Pursuant To Order Approving Stipulation and Agreement

September 11, 1980.

Take notice that on August 29, 1980, Michigan Wisconsin Pipe Line Company tendered for filing Second Substitute First Revised Sheet Nos. 486 and 698 of its F.E.R.C. Gas Tariff, First Revised Volume No. 2.

Michigan Wisconsin states that this filing is made to reflect the correct rates which were approved for its Rate Schedules X-49 and X-66 in the Stipulation and Agreement approved by the Commission's letter order of July 17, 1980, in Docket No. RP79-39. It is stated that Sheet Nos. 486 and 698 were included in the "Tariff and Service Agreement Changes Filed Pursuant to Order Approving Stipulation and Agreement" filed on July 29, 1980, in Docket No. RP79-39, and that the rates included therein did not reflect the Docket No. RP79-39 settlement rates.

Michigan Wisconsin requests that these tariff sheets be accepted for filing with an effective date of July 17, 1980, the effective date specified in its filing of July 29, 1980.

Michigan Wisconsin further states that copies of the filing have been mailed to its customers and all interested parties.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 26, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28733 Filed 9-16-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-1-36]

Mountain Fuel Supply Co.; Tariff Sheet Filing Effective October 1, 1980

September 11, 1980

Take notice that on September 2, 1980, Mountain Fuel Supply Company (Mountain Fuel), pursuant to Section 154.62 of the Commission's Regulations under the Natural Gas Act, filed Eleventh Revised Sheet No. 3–A to its FERC Gas Tariff Original Volume No. 1. Mountain Fuel states that the filed tariff sheet relates to the Unrecovered Purchased Gas Cost Account of the Purchased Gas Adjustment provision authorized by the Commission's Order issued February 27, 1976, in Docket No. RP76–64. More specifically, the tariff sheet reflects a net decrease from that currently being collected of $.32094/Mcf (X–4), a net increase of $.06506/Mcf (X–6) and a net decrease of $0.31785/Mcf (X–20) all to be effective October 1, 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protests with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E. Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 19, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–28717 Filed 9–16–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP80–502]

Natural Gas Pipeline Co. of America; Application

September 11, 1980.

Take notice that on August 15, 1980, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP80–502 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the limited-term transportation of natural gas to Phillips Petroleum Company (Phillips), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it proposes to sell a minimum of 20,000,000 Mcf of gas to Phillips pursuant to a July 24, 1980, gas sales agreement which agreement is for a term of 364 days from the date of initial delivery. Applicant states that the purpose of the sale is to offset its current excess gas deliverability caused by lower consumer demand and minimum purchase provisions in its gas supply contracts.

Applicant states it would sell the gas to Phillips at two existing delivery points in Brazoria County, Texas. It is stated that the agreement provides for the sale of gas on a best-efforts basis.

Applicant asserts that because the sale to Phillips is fully interruptible at Applicant's sole discretion, service to Applicant's customers would not be impaired or diminished in any way. Further, it is stated that all revenues from the sale in excess of Applicant's average purchased-gas cost would be credited to Account 191 of the Uniform System of Accounts Prescribed for Natural Gas Companies—Unrecovered Purchased Gas Costs.

Applicant states that Phillips would pay $2.20 per million Btu for the first 10,000,000 Mcf of gas purchased from Applicant and that if Phillips purchases less than this volume of gas during the term of the agreement Phillips would pay $2.20 per million Btu for the volumes not taken. Applicant states that Phillips' minimum purchase obligation would be reduced by an amount up to 50,000 Mcf per day to the extent that Applicant is unable to deliver volumes requested for delivery on any day during the term of the agreement. Moreover, it is stated that Phillips would pay Applicant $2.25 per million Btu for volumes purchased in excess of 10,000,000 Mcf up to the contractural maximum of 20,000,000 Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 1, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–28723 Filed 9–16–80; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 1962]

Pacific Gas & Electric Co.; Granting Intervention

September 11, 1980.

The California Department of Fish and Game (CDFG) has filed a petition to intervene in the proceeding involving the application for a new major license for the existing Rock Creek-Cresta Project, FERC No. 1962. The petition was filed on May 2, 1980. No objections to the petition have been received.

The petitioner as an agency of the State of California is charged with the administration of affairs of the State relating to the protection, propogation, and presevation of fish and wildlife in the State.

First, CDFG states in its petition that the manner of operation of Project No. 1962 can materially affect the existence and magnitude of significant trout fisheries of the North Fork Feather River and the wildlife populations of the surrounding lands. Second, CDFG states that it is proposing a field study of such fishery and wildlife resources and that pursuant to the Fish and Wildlife Coordination Act such conditions of operation developed as a result of this study should become part of any license granted. Third, CDFG adds that it is negotiating with the applicant Pacific Gas and Electric Company concerning conditions of project operation for the purposes of maintaining certain water conditions in the North Fork Feather River. Though it anticipates agreement, CDFG requests the right to be heard in any Commission proceedings conducted to resolve any differences that may arise. Finally, in the event of any Commission hearing, CDFG requests leave to present oral and written testimony upon the nature and magnitude of the natural resources dependent upon water conditions of the North Fork Feather River and upon how certain operating conditions can be inserted into any new project license.

It appears to be in the public interest to allow CDFG to participate in this proceeding.

Pursuant to § 375.302 of the Commission's regulations (45 Fed. Reg. 21216 (1980), *amending* 18 CFR 3.5(a) (1979)), the Petitioner is permitted to intervene in the proceeding subject to the Commission's rules and regulations under the Federal Power Act (16 U.S.C. §§ 791(a) 825(r)). Participation of the intervenor shall be limited to matters affecting asserted rights and interests specifically set forth in its petition to intervene. The admission of the intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order entered in this proceeding.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28734 Filed 9-16-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-78]

Panhandle Eastern Pipe Line Co.; Informal Settlement Conference

September 11, 1980.

Take notice that on September 25, 1980, and if necessary September 26, 1980, at 10:00 a.m on each day there will be an informal conference of all interested persons for the purpose of continued settlement discussions in these proceedings. The meeting places for the conference will be as follows:

September 25, 1980—10:00 a.m., Interstate Commerce Commission, Hearing Room F, 12th Street and Constitution Avenue, N.W., Washington, D.C.

September 26, 1980—10:00 a.m., Federal Energy Regulatory Commission, 9th Floor—Commission Meeting Room, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene in this matter by order of the Commission, attendance will not be deemed to authorize intervention as a party in these proceedings.

All parties will be expected to come fully prepared to discuss the merits of the issues arising in these proceedings and to make commitments with respect to such issues and to any offers of settlement or stipulation discussed at the conference.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28718 Filed 9-16-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-1-40]

Raton Natural Gas Co.; Change in Rates

September 11, 1980.

Take notice that Raton Natural Gas Company (Raton) on September 4, 1980, tendered for filing, proposed changes in its FERC Gas Tariff, Volume No. 1, consisting of Twenty-third Revised Sheet No. 3 a. The change in rate is for jurisdictional sales and service.

Raton states that the instant change in rates is designed to enable Raton to recover increases in gas purchase cost, operating costs, increased return and related income tax requirements. The proposed rates would increase revenues by $7,390.

Copies of Raton's filing are on file with the Commission and are available for public inspection. In addition, copies have been served on Raton's Jurisdictional Customer and the New Mexico Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC, 20426, in accordance with §§1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before Sept. 19, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28719 Filed 9-16-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA80-145]

J. B. Revier Production Co.; Application for Staff Adjustment and Request for Interim Relief

September 11, 1980.

Take notice that on August 18, 1980, J. B. Revier Production Company, 813 City National Bldg., Wichita Falls, Texas (Applicant) filed an application for a adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA). Applicant states that it is presently producing gas from a depth of 5010 Ft. to 5019 Ft. in the Boonsville (5000 Atoka Conglomerate) Field, Wise County, Texas. This gas is being sold to Southwest Gas Pipeline Company (Southwest) at 55¢ per Mcf. Applicant states that production has declined to the point that the operator is not receiving enough revenue for a sufficient return on investment and desires to recomplete the well in another zone at 5130 Ft. to 5150 Ft. Applicant was denied a determination by the jurisdictional agency that the production from this new zone would qualify for the NGPA section 102 price and states that it will suffer special hardships, inequity and unfair distribution of burdens unless an adjustment is granted which would allow it to charge the NGPA section 107(c)(1-4) ceiling price for the subject natural gas which will provide the incentive necessary to attempt the recompletion.

Applicant also requests that it be allowed to collect the section 107(c)(1-4) ceiling price on an interim basis pending action by the Commission on its request for an adjustment. Applicant states that the operator of the subject well is undergoing treatment for a malignant bladder tumor and that the project will never be accomplished if the operator becomes incapacitated because the operator is the only party who is capable of financing and completing the proposed project. Thus, applicant states that the workover project will never be accomplished and irreparable injury will result unless the requested interim relief is granted.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's Rules of Practice and Procedure (*see*, Order No. 24 issued March 22, 1979, *Fed. Reg.* 19861).

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before October 2, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28735 Filed 9-16-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-494]

Southern Natural Gas Co., et al.; Application

September 11, 1980.

Take notice that on August 11, 1980, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, Florida Gas Transmission Company (Florida Gas), P.O. Box 44, Winter Park, Florida 32790, Michigan Wisconsin Pipe Line Company (Mich Wis), One Woodward Avenue, Detroit, Michigan 48226, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, and Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP80-494 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that they have entered into gas purchase contracts to purchase gas produced beneath Mississippi Canyon Blocks 150, 151, 194, and 195 (Block 194 Field), offshore Louisiana. It is stated that Southern has a 21.8184 percent interest in the reserves, Florida Gas a 24.1149 percent interest, Mich Wis a 2.3636 percent interest, Northern a 22.9052 percent interest, and Transco a 24.1329 percent interest, with 4.6650 percent being uncommitted.

Applicants state that initial deliveries are estimated to commence by April 1982 and in order to deliver these reserves, Applicants have contracted jointly to own, construct, and operate the proposed facilities.

Applicants propose to construct approximately 25 miles of 16-inch pipeline extending from the producer's platform in Mississippi Canyon Block 194 to the South Pass in Plaquemines Parish, Louisiana. Applicants propose to construct approximately 14 miles of 18-inch pipeline from the South Pass to a point of interconnection with Southern's existing 14-inch Romere Pass pipeline, Plaquemines Parish, Louisiana.

Applicants also propose to construct approximately 0.3 mile of 14-inch pipeline for the Block 194 platform riser and a receiving station consisting of measuring facilities and certain appurtenant facilities.

Applicants contend that since the pipeline and receiving station would be used to measure and transport all of the Block 194 Field natural gas reserves, Applicants would share its cost and ownership in proportion to their respective interest in said reserves. Applicants further state that upon commitment of any presently uncommitted gas reserves ownership percentages may be determined retroactively with the percentage of pipeline ownership corresponding the any uncommitted reserves being allocated proportionately to the Applicants.

Applicants assert that to the extent practicable the proposed pipeline is being sized to handle projected future deliverability from both proven and probable reserves. Applicants estimate the cost of the facilities to be $48,875,622 which would be financed initially from internally generated funds or it permanent financing is required, as part of long term financing programs.

It is stated that Southern would transport the subject gas for the other Applicants from a point of interconnection of the proposed facilities with Southern's existing Romere Pass pipeline to various mutually agreeable delivery points between the pipeline system of Southern and the pipeline systems of each of the other Applicants or one or more third party pipeline transporters.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 3, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28736 Filed 9-16-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-504]

Texas Eastern Transmission Corp.; Application

September 11, 1980.

Take notice that on August 15, 1980, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP80-504 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to transport for Natural gas produced in Pointe Coupee Parish, Louisiana, and to redeliver equal quantities less 3 percent for fuel and losses to Natural at the tailgate of the Exxon-Sarita Plant in Kenedy County, Texas, or at either of the two interconnections of Applicant's and Natural's facilities in Brazoria County, Texas. It is stated that Applicant and Natural have entered into a gas transportation agreement dated April 21, 1980, as amended April 22, 1980, which provides for Applicant to receive daily quantities of up to 1,000 dekatherms (dt) equivalent on a firm basis and up to 2,000 dt equivalent on an available-capacity basis.

Applicant assets that Natural would pay Applicant a monthly charge of $6,786 for the firm service and 22.31 cents per dt equilvalent delivered to Natural in excess of 1,000 dt equivalent per day multiplied by the number of days in the month.

It is asserted that facilities connecting Natural's supply to Applicant's pipeline in Pointe Coupee Parish were constructed pursuant to budget authorization.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 3, 1980, file with the Federal Energy

Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28724 Filed 9-16-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3131]

Williams River Electric Corp.; Granting Intervention

September 11, 1980.

On July 24, 1980, the Attorney General of the State of Vermont (Petitioner) filed a petition to intervene in the proceeding upon the application of Williams River Electric Corporation for a preliminary permit for Project No. 3131.

Petitioner states that he is authorized to represent the State in all utility matters.

No answer or objection to the petition has been received.

It appears that the public interest may be served by granting the petition to intervene in this proceeding.

Pursuant to § 375.302 of the Commission's regulations, 45 Fed. Reg. 21216 (1980), amending 18 C.F.R. 3.5(a) 1979, as promulgated by Federal Energy Regulatory Commission rulemaking RM78-19 (issued August 14, 1978), the Petitioner is permitted to intervene in this proceeding subject to the Commission's Rules and Regulations under the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r). Participation of the intervenor shall be limited to matters affecting asserted rights and interests specifically set forth in its petition to intervene. The admission of the intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order entered in this proceeding.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28720 Filed 9-16-80, 8:45 am]

BILLING CODE 6450-85-M

[Dockets Nos. CS71-659 and CS78-691]

Kilroy Co., a Partnership and W. S. Kilroy, el al. (Kilroy Properties Inc. and W.S. Kilroy, et al.); Applications for "Small Producer Certificates [1]

September 11, 1980.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before September 19, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CDR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission in its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No.	Date filed	Applicant
CS71-659............	7/22/80	The Kilroy Company, A Partnership and W.S. Kilroy, *et al.* (Kilroy Properties Incorporated and W.S. Kilroy, *et al.*)—1908 First City Natl. Bank Bldg., Houston, Texas 77002.
CS78-691............	[1] 7/22/80	Bonanza Petroleum, Inc. (Sovereign Exploration Company), 280 One Hillcrest Cross, 12700 Hillcrest Road, Dallas, Texas 75230.

[1] Being noticed to reflect a name change.

[FR Doc. 80-28732 Filed 9-16-80; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of June 16 through June 20, 1980

During the week of June 16 through June 20, 1980, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C.

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[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: September 5, 1980.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

Appeals

Bracewell & Patterson, Washington, D.C., BRA–0340, freedom of information

Bracewell & Patterson filed an Appeal from a partial denial by the Director, Division of Petroleum Price Regulations of the Economic Regulatory Administration, of a request for information which the firm filed under the Freedom of Information Act. In considering the Appeal, the DOE found that the determination at issue failed to justify adequately nondisclosure of responsive material pursuant to Exemption 5. The matter was therefore remanded to the PPR Director either to release the withheld material or to provide a reasonably specific justification for nondisclosure.

National Oil Jobbers Council, Washington, D.C., BFA–0363, freedom of information

The National Oil Jobbers Council filed an Appeal from a denial by the Acting Assistant Administrator for Enforcement of the ERA of a request for information that the firm had submitted under the Freedom of Information Act. The DOE found that although the documents contained material exempt from public disclosure pursuant to 10 C.F.R. § 1004.10(b) (F) (A) and (D), certain portions of documents relating to Special Report Orders contained reasonably segregable factual information which should be released to the public. Accordingly the matter was remanded to the Assistant Administrator for review and release of reasonably segregable factual portions.

The Washington Post Co., Washington, D.C., BEA–0191 motor gasoline

The Washington Post Company (the Post) filed an Appeal from an Order issued by the DOE Region III Office of Petroleum Operations (OPO). In its Appeal the Post contended that the OPO had erred in dismissing its Application for assignment of a supplier and base period volumes of motor gasoline. In considering the Appeal, the DOE Office of Hearings and Appeals determined that the OPO had erroneously based its decision on guidelines entitled *Evaluation of Applications for New Bulk Purchasers for Assignments Pursuant to 10 C.F.R. § 211.12(e)*, as the Post is a new wholesale purchaser-consumer and not a bulk purchaser. Accordingly, the Appeal was granted and OPO was directed to re-evaluate the Post's Application for Assignment under the criteria set forth in 10 C.F.R. Part 211 and Part 205, Subpart C.

Whitehead Oil Co., Lincoln, Nebr., BEA–0337, motor gasoline

The Whitehead Oil Company filed an Appeal from an Assignment Order issued to Hudson Refining Company, Inc. by the ERA Office of Petroleum Operations, Region VII on April 8, 1980. The Assignment Order was issued to Hudson pursuant to an order entered by the Office of Hearings and Appeals, directing ERA to select a new, lower-priced supplier of unleaded gasoline for Whitehead's gasohol operations. ERA selected Hudson. Whitehead appealed and the DOE found that the Assignment Order was not (1) erroneous in fact or law or (2) arbitrary or capricious. The DOE also found that the assignment of Hudson would not impede Whitehead's marketing of gasohol. Accordingly, Whitehead's Appeal was denied.

World Oil Co., Los Angeles, Calif., BEA–0171, motor gasoline

World Oil Company (World) filed an Appeal from a Decision and Order issued to the firm on December 11, 1979, by the Region IX Office of Petroleum Operations of the Economic Regulatory Administration (ERA). The Appeal, if granted, would result in an assignment to World of a new base period supplier to furnish it with approximately 8.8 million gallons of motor gasoline in the months of November, December and January. The DOE held that the Appeal should be granted because the firm which had supplied World with significant volumes of motor gasoline during the base period months in question was permanently unable to supply any further motor gasoline to World. Under those circumstances the DOE found it to be appropriate to assign World a new supplier pursuant to 10 C.F.R. § 211.12(e). In the course of reaching its determination, the DOE explained how § 211.12(e) should be interpreted to apply to a situation in which a firm has permanently lost one of its base period suppliers.

Remedial Orders

Phillips Petroleum Co., Bartlesville, Okla., BRO–0365, motor gasoline

Phillips Petroleum Company objected to a Proposed Remedial Order (PRO) issued by the Office of Special Counsel (OSC). OSC found that Phillips had violated the DOE motor gasoline allocation regulations in November and December of 1979 by refusing to assume its base period supply obligation to Campbell Oil Company after Phillips was designated as Campbell's sole base period supplier under the provisions of 10 C.F.R. § 211.105(d). OSC concluded that Phillips should make available to Campbell motor gasoline equal to Campbell's base period entitlement, as reduced by Phillips' allocation fraction, in each month commencing January 1980. DOE determined that the provisions of 10 C.F.R. § 211.105(d) do not require that Phillips assume the base period supply obligations of Campbell's order suppliers. Throughout the applicable base period Campbell was engaged in supplying branded product to branded end-users and unbranded product to unbranded end-users. The DOE found that § 211.105(d) is intended to apply to situations in which there is a shift in brands during the base period and the provisions of Section 211.105(d) could not be used to compel Phillips to assume the base period supply obligations of all of its suppliers. Accordingly, DOE concluded that the PRO should be rescinded.

Vic & Lou's Union, San Leandro, Calif., BRO–0090, motor gasoline

Vic & Lou's Union objected to a Proposed Remedial Order (PRO) which the Western Regional Center for ERA issued to the firm on October 3, 1979. In the PRO, ERA found that Vic & Lou's, a retailer of motor gasoline, had sold gasoline at prices which exceeded the maximum prices permitted by 10 C.F.R. § 212.93(a) during the period August 1, through September 20, 1979, overcharging its customers by a total of $3,157.49. DOE considered and denied the Statement of Objections concluding that the PRO should be issued as a final order. DOE found that 10 C.F.R. § 210.62(d) provided the authority to prohibit the tieing of full service conveniences to motor gasoline sales on a cent-per-gallon basis. Although the Office of Hearings and Appeals found that the procedural requirements for administrative rulemaking set forth in 5 U.S.C. § 553 of the DOE Organization Act and 42 U.S.C. 7191 of APA were not fully adhered to by DOE when it promulgated 10 C.F.R. § 210.62(d), the conditions requisite for a waiver of those requirements—"likely, . . injury to public health, safety, or welfare"—were met. 5 U.S.C. § 501(e), DOE Organization Act.

Requests for Exception

Atlas Garage, Inc., New York, N.Y., BEO–0146, motor gasoline

Atlas Garage, Inc. filed an Application for Exception from the provisions of 10 C.F.R., § 211 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that exception relief was necessary to alleviate a gross inequity caused by the adoption of the updated base period for gasoline allocation. Accordingly, exception relief was granted.

Capitol Energy Corp., Denver, Colo., BEE–0833, crude oil

Capital Energy Corporation filed an Application for Exception from the provisions of 10 C.F.R., § 212, Subpart C. The DOE determined that the application of the provisions of 10 C.F.R. § 212.59 to the firm's A. M. Bogart Lease, does not result in a gross inequity nor does it provide any other basis warranting the approval of exception relief. Accordingly, DOE concluded that exception relief should be denied.

Casey's Corner Convenience Store, Grantsboro, N. C., BEO–0346, motor gasoline

Casey's Corner Convenience Store filed an Application for Exception from the provisions of 10 C.F.R. § 211 in which the firm sought an increase in its base period allocation of motor gasoline. DOE found that exception relief was necessary to allievate a gross inequity. Accordingly, exception relief was granted.

Chalfant Oil Co., Aurora, Mo., BEE–0458, gasohol

Chalfant Oil Company filed an Application for Exception from the provisions of 10 C.F.R., § 211. In its Application, the firm sought an increase in its base period allocation of unleaded gasoline in order to maintain and expand its gasohol production and marketing activities. In considering the request, the DOE found that exception relief was necessary to enable the firm to expand its gasohol marketing operations. Accordingly, exception relief was granted increasing Chalfant's base period allocation by 4,000 gallons of unleaded gasoline per month.

Coastal States Gas Co., Lo-Vaca Gathering Co., Washington, D.C., DEE-1497, national gas liquid products

Coastal and Lo-Vaca jointly filed an Application for Exception to permit them to implement the terms of a settlement plan which they entered into with certain purchasers of Lo-Vaca's natural gas. The DOE approved various forms of exception relief relating to the calculation of Lo-Vaca's maximum lawful price for sales of propane and the firm's base period supply obligations. This relief was approved in order to prevent DOE regulations from serving as an impediment to the orderly transfer to Lo-Vaca of certain Coastal subsidiaries and assets. A part of the exception relief is that natural gas shrinkage costs are to be calculated on a volumetric rather than a BTU basis.

The Columbia Gas System, Inc., Wilmington, Del., DEE-2006; DEE-2017; natural gas liquids; natural gas liquid products

The Columbia Gas System, Inc. filed an Application for Exception from the provisions of 10 C.F.R. § 212.165 in which the firm sought a change in the base period which it uses to calculate increased processing costs for purposes of determining maximum allowable selling prices for natural gas liquids and natural gas liquid products. In considering the request, the DOE found that exception relief was appropriate because anomalous events which took place during the base period seriously distored the base period's intended use for measurment purposes and the distortion adversely affected Columbia in a significant manner. Accordingly, exception relief was granted.

Cuenin's Marathon, Amherst, Ohio, BEO-1058, motor gasoline

Cuenin's Marathon filed an Application for exception in which it sought an increase in its base period entitlement of motor gasoline. After a Proposed Decision and Order tentatively determined that the firm's exception request should be denied because it had not made a showing of hardship or inequity, Cuenin's contended that the Proposed Decision was erroneous because it assumed that Cuenin's could realize the maximum lawful profit margin on its sales of motor gasoline. The Office of Hearings and Appeals conducted a survey of retail prices for motor gasoline in the applicant's market area and concluded that although the firm could not realize the maximum allowable profit margin due to competitor's prices, it could attain a gross profit margin that would enable it to realize a substantial net profit with its current base period entitlement. Accordingly, Cuenin's Marathon Application for Exception was denied.

General Development Utilities, Inc., Miami, Fla., DEO-0144, Propane

General Development Utilities, Inc. (GDU) filed an Application for Exception from the provisions of 10 CFR § 212.93 in which the firm requested that it be permitted to (1) change its base price for propane to all classes of purchasers and (2) recover the actual amount of its non-product cost increases incurred during the period November 1973 through April 1977. DOE found that "unusual or anomalous events" occurred which distorted the base period and its intended use for measurement of normal and customary business activity for GDU. DOE also found that if exception relief was not granted, GDU would operate at a loss on its propane sales operations. Exception relief was granted prospectively as of November 8, 1977, the date GDU perfected its Application for Exception. The DOE also determined that even though the GDU demonstrated that it would have been granted exception relief in 1973, if it had filed an exception application at that time, GDU had filed to establish that (1) compelling reasons exist for granting retroactive exception relief, or, (2) it will experience a severe and irreparable injury in the absence of such relief. Accordingly, retroactive exception relief was denied.

General Stations, Inc., Beckley, W. Va., DEE-5090, motor gasoline

General Stations, Inc. filed an Application for Exception seeking an increase in its base period allocation of motor gasoline. General stated that it had made a large capital investment at its four non-branded outlets and DOE's updated base period allocation regulations restrict the outlets' access to motor gasoline preventing General from realizing the benefits of its investment. DOE found that General's four non-branded outlets were generating substantial net profits even after considering the loan repayment obligations incurred for their renovation. DOE concluded that General was not suffering a gross inequity. Accordingly, General's Application for Exception was denied.

I. D. Johnson & Co., Hood River, Oreg., BEO-0653, motor gasoline

I. D. Johnson & Company filed an Application for Exception for the provisions of 10 CFR, § 211 which, if granted, would result in an increase in the base period allocation of motor gasoline to a retail outlet which Johnson operates as a lessee. The DOE found the Johnson assumed legal responsibility for the outlet in question during 1977, prior to the date DOE updated the base period for motor gasoline allocation. The DOE also noted that Johnson was not involved in the day-to-day operations of the outlet during the updated base period, when a sub-lessee mismanaged the outlet and actively discouraged gasoline sales. The DOE therefore concluded that the level of the outlet's gasoline purchases during the updated base period was unrepresentative of its normal level of business operation. The DOE determined that in the absence of exception relief, Johnson would be unjustly penalized for the actions of the sublessee and could not operate the outlet profitably. Based upon these determinations, the DOE restored the outlet's monthly allocation of motor gasoline to the level established for it by the FEA in 1977.

Little America Refining Co., Washington, D.C., DXE-1465; DXE-2110; crude oil

Little America Refining Company (LARCO) filed two Applications for Exception from the provisions of 10 C.F.R. § 211.67 seeking relief from entitlement purchase obligations incurred in its 1979 fiscal year. DOE's determination consolidates the Applications which LARCO filed on behalf of itself and its affiliate Sinclair Oil Company. In considering the requests, the DOE noted that during the time it had been a recipient of entitlements exception relief, LARCO had realized a substantial increase in its net sales, dollar value of pre-tax profits, average invested capital and return on invested capital. *Little America Refining Company* 3 DOE ¶ 82,623 (1979). Although DOE concluded that LARCO's exception relief should be phased out during the 1979 calendar year, as a result of a recent modification to the *Delta* standards relating to crude oil and product resale activities, *(Navajo Refining Company*, 3 DOE ¶81,141 (1979)), DOE concluded that LARCO should receive exception relief for the months of March through August 1979.

Maher Standard, Mobridge, S. Dak., BEO-0437, motor gasoline

Maher Standard filed an Application for Exception from the provisions of 10 C.F.R. ¶ 211 in which the firm sought an increase in its base period allocation of motor gasoline. DOE found that the firm's base period purchases of motor gasoline were not so unrepresentative of current operations that the firm would incur a serious hardship, gross inequity or an unfair distribution of burdens in the absence of exception relief. Accordingly, exception relief was denied.

San Joaquin Refining Co., Newport Beach, Calif., DXE-1977, crude oil

San Joaquin filed an Application for Exception from the provisions of 10 C.F.R. § 211.67 in which the firm sought relief from its obligation to purchase entitlements during the period December 1978 through May 1979. In considering the firm's request, the DOE found that the entitlement purchase obligation would prevent the firm from attaining either its historical profit margin or its historical return on invested capital. The DOE therefore granted San Joaquin exception relief amounting to $1,007,574 per month during the three month period December 1978 through February 1979, and $303,718 per month during the three month period March through May 1979.

W. E. Schroeder, Houston, Tex., BXE-1076, crude oil

W. E. Schroeder filed an Application for Exception from the provisions of 10 C.F.R. § 212. Exception relief was granted to the extent of permitting Schroeder to sell at upper tier ceiling prices 53.82 percent of the crude oil produced from the J. B. Ferguson Lease from May 1, 1980 through October 31, 1980.

Southwestern Refining Co., Inc., La Barge, Wyo., DEE-0483, crude oil.

Southwestern Refining Company, Inc. filed an Application for Exception from the provisions of 10 CFR § 211.67 in which the firm sought relief from its obligation to purchase entitlements. DOE found that Southwestern's financial difficulties were attributable to an excessive markup imposed upon sales of crude oil by the firm's supplier, Johnson Oil Company. Accordingly, exception relief was granted which limited Johnson's gross margin to $1.00 per barrel for crude oil sold to Southwestern. Among the important issues discussed in the Decision and Order is the authority of DOE to limit the margin of a crude oil reseller in the context of an exception proceeding.

Texaco, Inc., New Orleans, La., DXE-2917, crude oil.

Texaco, Inc. filed an Application for Exception from the provisions of 10 CFR 212, Subpart D in which the firm sought an extension of exception relief permitting it to continue to sell certain quantities of crude oil which it produces from the BF Reno Ra Sand Unit at upper tier ceiling prices. DOE found that exception relief was necessary to provide Texaco with an incentive to continue its extraction operations at the lease under consideration. Accordingly, exception relief was granted.

Warrior Asphalt Co. of Alabama, Inc., Washington, D.C., DXE-1891, crude oil.

Warrior Asphalt Company of Alabama, Inc. filed an Application for Exception from the provisions of 10 CFR 211.67. Warrior sought relief from its obligation to purchase entitlements during the period December 1978 through May 1979. In considering Warrior's request, the DOE found that the entitlement purchase obligation would prevent the firm from attaining either its historical profit margin or its historical return on invested capital. The DOE granted Warrior exception relief amounting to $270,103 per month during the three month period December 1978 through February 1979, and $66,620 per month during the three month period March through May 1979.

Zanni's Chevron Service, McCloud, Calif., BEO-1133, motor gasoline.

Zanni's Chevron Service filed an Application for Exception from the provisions of 10 CFR 211.102 seeking an increased base period allocation of motor gasoline. In considering the request, the DOE found that the firm had failed to establish that (i) it experienced an increased demand for motor gasoline resulting from a significant change in supply or use; (ii) its continued inability to obtain more gasoline would frustrate the objectives of the Emergency Petroleum Allocation Act of 1973 and (iii) Zanni's was unable to purchase surplus product. Accordingly, exception relief was denied.

Request for Temporary Exception

Mid-American Refining Co., Inc., Chanute, Kans., BEL-1117 crude oil.

On April 28, 1980, the Mid-American Refining Company, Inc. filed an Application for Temporary Exception from the provisions of 10 C.F.R. § 211.67 in which the firm sought an order that would permit it to sell additional entitlements. DOE found that exception relief was necessary to prevent the firm from suffering an irreparable injury. The DOE also found that the firm had made a strong showing that it was likely to succeed on the merits of its underlying exception applications. Accordingly, temporary exception relief was granted.

Motions for Discovery

Petroleum Delivery Service, Ft. Lauderdale, Fla., BED-0017, BEJ-0003, BEH-0014, Motor gasoline.

Petroleum Delivery Service (PDS) filed Motions for (1) Discovery and Protection Order and (2) an Evidentiary Proceeding in connection with its objections to an order servering Southern Bell's relationship with PDS. In its Motion for Evidentiary Proceeding PDS sought to depose Southern Bell employees, take affidavits of PDS representative and be granted access to all evidence in the possession of Southern Bell or other persons. The DOE denied the Motion for Evidentiary Proceeding because PDS had not adequately described the information it expected to obtain or demonstrated the relevance of the requested information. DOE granted PDS's Motion for Discovery, which requested that Southern Bell provide complete copies of documents which it filed with its exception applications including confidential information. DOE rejected Southern Bell's contention that these materials were privileged from disclosure pursuant to the attorney's work-product privilege, but ordered that they be provided subject to a Protective Order.

Sun Oil Co. of Pennsylvania, Washington, D.C. BED-0038, BEJ-0045, motor gasoline.

On February 11, 1980, Sun Oil Company of Pennsylvania filed a Motion for Discovery and Protective Order seeking documents relating to production of an alcohol blend by Farm Fuel Products Corporation. In its Motion, Sun maintained that the information which it sought was crucial to determining the general feasibility, energy efficiency and environmental impact of the proposed facility. In considering the request, the DOE found that Sun failed to demonstrate the relevance of the requested information. Accordingly, the Motion for Discovery and Protective Order was denies.

Tuscon Electric Power Co., Tucson, Ariz., BED-0852, motor gasoline.

Tucson Electric Company filed a Motion for Discovery in which the firm sought an Order directing the Southwest Gas Corporation to respond to a set of interrogatories relating to Southwest's gasoline consumption for its Tucson natural gas operations. In considering the request, the DOE found that Tucson Electric had failed to show why the information requested was necessary to permit the firm to adequately present its position. Accordingly, the Motion for Discovery was denied.

Supplemental Order

Petroleum Management, Inc., Corpus Christi, Tex., BRX-0069, crude oil.

On June 16, 1980, DOE issued a Supplemental Order which modified the ordering paragraphs of an order issued on May 28, 1980. As modified, the Decision and Order rescinds a portion of a Proposed Remedial Order issued by Region VI, ERA, rather than appearing to rescind the PRO in its entirety.

Interim Orders

Dow Chemical U.S.A, Freeport, Tex., BEN-0285, crude oil.

On June 20, 1980, DOE issued an Interim Order to Dow Chemical U.S.A. implementing exception relief tentatively granted in the accompanying Proposed Decision and Order. ERA is directed to assign DOW a six-month emergency allocation of crude oil under the Crude Oil Buy/Sell Program. The allocation is equivalent to 33,979 barrels per day and is intended for use at Dow's newly-constructed refinery in Freeport, Texas. In reaching its determination to grant interim relief, the DOE considered (1) the probability that an exception will ultimately be approved on gross inequity grounds, (2) the harm that Dow is suffering in the form of operating losses currently being incurred at the Dow facility, (3) Dow's inability to obtain a secure supply of crude oil and (4) the burden other persons are likely to incur if the Interim Order is issued.

Interim Orders

The following firms were granted Interim Exception relief which implements the relief which the DOE proposed to grant in an order issued on the same date as the Interim Order:

Company Name, Case No., and Location

Columbus Public School System, BEN-1012, Columbus, Ohio.
Ernest J. Short & Son, DEN-4861, Londsburg, N. Mex.
Manny's Stand. Serv., BEN-0041, Milwaukee, Wis.

Protective Orders

The following firms filed Applications for Protective Orders. The applications, if granted, would result in the issuance by the DOE of the proposed Protective Order submitted by the firm. The DOE granted the following applications and issued the requested Protective Order as an Order of the Department of Energy:

Name, Case Number, and Location

Atlantic Richfield, BEJ-0088, Washington, D.C.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception, Temporary Exception, Stay, and/or Temporary Stay from the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be denied.

Company Name, Case Number, and Location

Archie's Tire & Towing, BEO-0471, Santa Ana, Calif.
Bless Oil Co., Inc., BEO-1078, Bowman, N. Dak.
D & J Poultry, BEO-0628, Dover, Fla.
De Maestri Distributing Co., BEO-0441, San Rafael, Calif.

Don's 3 Star Service, BEO–1156, Altoona, Pa.
Johnson's Mini Market, BEO–0113, Chicago, Ill.
Redding 76 Auto/Truck Plaza, BEO–0480, Redding, Calif.
Rogers Gulf Service Center, BEO–0735, Vienna, Va.
Virginia Higgins, BEO–0609, Bellaire, Ohio.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception, Temporary Exception, Stay, and/or Temporary Stay from the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be granted.

Company Name, Case Number, and Location

Central Avenue Exxon, BEO–1104, W. Caldwell, N.J.
Hanna Standard Service, BEO–0467, Kansas City, Mo.
Specialized Mgmt. Support, BEO–0420, Campbell, Calif.

Dismissals

The following submissions were dismissed without prejudice to refilling at a later date:

Name and Case Number

Argo Pet. Corp., DRH–0146.
Brilad Oil Co., DEE–8064.
Central Texas Energy Suppliers, Inc., BEE–1018.
Columbia Warehouse Associates, DEE–6671.
Dawson Oil & Transport Co., BEE–0826.
Energy Coop., Inc., BIE–1156; BIL–1156.
Go-Tane Service Stations, Inc., DEE–3175; DES–3175; DST–3175.
Greenwood Petroleum Co., BEN–0323.
Kawell Motors, Inc., DEE–6362.
Phillips Oil Corp., DEE–7975.
Reed Distributing Co., BEE–0649.
San Benito County Citizens for Gasohol, BEE–0443.
Sioux Valley Co-op, BEE–0773.
Thomas G. Carpenter, BFA–0386.
Zollicker Oil Co., BEE–1011.

[FR Doc. 80–28618 Filed 9–15–80; 8:45 am]

BILLING CODE 6450–01–M

Objection to Proposed Remedial Orders Filed; Week of July 21 Through July 25, 1980

During the week of July 21 through July 25, 1980, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR § 205.194 on or before October 7, 1980. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Melvin Goldstein,
Director, Office of Hearings and Appeals.
September 5, 1980.

Proposed Remedial Orders

Abbey Marina, Fontana, Wis., BRO–1276, motor gasoline

On July 21, 1980, Abbey Marina, located on Lake Geneva in Fontana, Wisconsin, filed a Notice of Objection to a Proposed Remedial Order which the DOE Central District Office of Enforcement issued to the firm on June 18, 1980. In the PRO, the Central District found that during the period from August 1, 1979 to May 31, 1980, Abbey Marina charged a price in excess of the maximum lawful level for one or more grades of gasoline in violation of 10 C.F.R. 212.93, failed to post its maximum lawful selling price or a proper certification in violation of 10 C.F.R. 212.129, and failed to maintain records to support the lawfulness of its price for gasoline in violation of 10 C.F.R. 210.92 and 212.93. According to the PRO, the firm's violations resulted in $4,242.21 of overcharges.

Gordy's Lake Front Marina, Fontana, Wis., BRO–1275, motor gasoline

On July 21, 1980, Gordy's Lake Front Marina, located on Lake Geneva in Fontana, Wisconsin, filed a Notice of Objection to a Proposed Remedial Order which the DOE Central District Office of Enforcement issued to the firm on June 11, 1980. In the PRO, the Central District found that during the period from August 1, 1979 to May 31, 1980, Gordy's Lake Front Marina charged prices in excess of the maximum lawful levels for one or more grades of gasoline in violations of 10 C.F.R. 212.93, failed to post its maximum lawful selling price or proper certification in violation of 10 C.F.R. 212.129, and failed to maintain records to support the lawfulness of its price for gasoline in violation of 10 C.F.R. 210.92 and 212.93. According to the PRO, the firm's violations resulted in $4,845.94 of overcharges.

Ebling, Richard C., Osage Beach, Mo., BRO–1278, motor gasoline

On July 22, 1980, Richard C. Ebling, owner of the Floating Clown Restaurant, Route 2—Box 48, Osage Beach, Missouri 65065, filed a Notice of Objection to a Proposed Remedial Order which the DOE Central District Office of Enforcement issued to the firm on July 2, 1980. In the PRO the Central District found that during the period April 4, 1980 through July 2, 1980, Mr. Ebling sold motor gasoline at prices in excess of the maximum lawful selling prices allowed by the Mandatory Petroleum Price Regulations. According to the PRO, the violation resulted in $1,730 of overcharges.

Giant Industries, Inc., Phoenix, Ariz., BRO–1281, crude oil

On July 24, 1980, Giant Industries, Inc., 5107 North 7th Street, Phoenix, Arizona 84014, filed a Notice of Objection to a Proposed Remedial Order which the DOE National Office of Enforcement issued to the firm on June 25, 1980. In the PRO the Office of Enforcement found that during the period November 1974 through December 1977, Giant Industries, Inc. improperly reported volumes of lower tier, upper tier and exempt crude oil in its crude oil receipts and runs to stills and, as a result, received and sold entitlements which it would not have otherwise received. According to the PRO the Giant Industries, Inc.'s violation resulted in $1,004,877.38 of unwarranted entitlements benefits.

Tenneco Oil Co., Houston, Tex., BRO–1280, crude oil

On July 24, 1980, Kern County Refining, Inc., 10929 South Street, Suite 202B, Cerritos, California 90701, filed a Notice of Objection to a Proposed Remedial Order which the DOE Southwest Refiner District, Office of Special Counsel, issued to Tenneco Oil Company on June 23, 1980. Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001 filed a Notice of Objection in this matter on July 25, 1980. In the PRO, the Southwest Refiner District found that during the period June 1978 through December 1979, Tenneco violated its supplier/purchaser relationship with Kern by selling crude oil from its Yowlumne Field properties in Kern County, California, to parties other than Kern. According to the PRO, the Tenneco violation resulted in the wrongful withholding from Kern of 1,298,833.70 barrels of Yowlumne Field crude oil.

Elwood Chevron Service, Goleta, Calif., BRO–1286, motor gasoline

On July 25, 1980, Joe Lastra d.b.a. Elwood Chevron Service, 7952 Hollister Avenue, Goleta, California, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on June 25, 1980. In the PRO, the Western District found that during the period from August 1, 1979 to April 23, 1980, Elwood Chevron Service charged prices in excess of the levels permitted by the DOE price regulations in connection with the sale of motor gasoline. According to the PRO, the Elwood violation resulted in $12,723.47 of overcharges.

[FR Doc. 80–28613 Filed 9–16–80; 8:45 am]

BILLING CODE 6450–01–M

Objection to Proposed Remedial Orders Filed; Week of August 4 Through August 8, 1980

During the week of August 4 through August 8, 1980, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding which the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR § 205.194 on or before October 7, 1980. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in this proceeding and will prepare an official service list which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceeding should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

September 5, 1980.

Proposed Remedial Orders

Condor Operating Company, Midland, Tex., BRO-1287, crude oil

On August 5, 1980, Condor Operating Company, Route 1, Box 62, Midland, Texas 79701, filed a Notice of Objection to a Proposed Remedial Order (PRO) which the DOE Southwest District Office of Enforcement issued to the firm on July 18, 1980. In the PRO the Southwest District found that during the period September 1, 1973 through May 31, 1977, Condor Operating Company sold crude oil produced from the Cummins properties in Ector County, Texas at prices in excess of those permitted by Part 212 of the Mandatory Petroleum Price Regulations. According to the PRO, the violation resulted in $510,240.62 of overcharges.

Doug Myers Chevron, Santa Maria, Calif., BRO-1288, motor gasoline

On August 4, 1980, Doug Myers Chevron Service, 734 East Main Street, Santa Maria, California 93454, filed a Notice of Objection to a Proposed Remedial Order (PRO) which the DOE Western District Office of Enforcement issued to the firm on June 30, 1980. In the PRO the Western District found that during the period August 1, 1979 to April 24, 1980, the firm committed pricing violations in connection with the sale of motor gasoline in the State of California. According to the PRO the Doug Myers Chevron violation resulted in $9,412.76 of overcharges.

Santa Maria Chevron, Santa Maria, Calif., BRO-1289, motor gasoline

On August 4, 1980, Santa Maria Chevron Service, 16111 South Broadway, Santa Maria, California 93454, filed a Notice of Objection to a Proposed Remedial Order (PRO) which the DOE Western District Office of Enforcement issued to the firm on June 24, 1980. In the PRO the Western District found that during the period August 1, 1979 to April 25, 1980, the firm committed pricing violations in connection with the sale of motor gasoline in the State of California. According to the PRO the Santa Maria Chevron violation resulted in $867.76 of overcharges.

Ven-Fuel, Inc., Coral Gables, Fla., BRO-1274, No. 6 fuel oil

On August 5, 1980, Ven-Fuel, Inc., 2121 Ponce DeLeon Avenue, Coral Gables, Florida 33134, filed a Notice of Objection to a Proposed Remedial Order (PRO) which the DOE Southeast District Office of Enforcement issued to the firm on June 27, 1980. In the PRO the Southeast District found that during the period October 1973 through October 1974, the firm committed pricing violations in connection with certain sales of No. 6 fuel oil in the State of Florida. According to the PRO the Ven-Fuel, Inc. violation resulted in $3,701,123.41 of overcharges.

Willow Pass Chevron, Concord Calif., BRO-1290, motor gasoline

On August 4, 1980, Willow Pass Chevron Service, 3400 Willow Pass Road, Concord, California 94519, filed a Notice of Objection to a Proposed Remedial Order (PRO) which the DOE Western District Office of Enforcement issued to the firm on June 27, 1980. In the PRO the Western District found that during the period May 1, 1980 to May 28, 1980, the firm committed pricing violations in connection with the sale of motor gasoline in the State of California. According to the PRO the Willow Pass Chevron violation resulted in $3,820 of overcharges.

[FR Doc. 80-28615 Filed 9-16-80; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL COMMUNICATIONS COMMISSION

FM and TV Translator Applications Ready and Available for Processing and Notification of Cut-off Date

Released: September 15, 1980.

Cutoff Date: October 24, 1980.

Notice is hereby given that the TV and FM translator applications listed in the attached Appendix will be considered ready and available for processing after October 24, 1980. An application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on October 24, 1980, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on October 24, 1980.

Petitions to deny any application on this list must be on file with the Commission no later than the close of business on October 24, 1980.

Federal Communications Commission.

William J. Tricarico,

Secretary.

UHF TV Translator Applications

BPTT-800609IB (New), Peetz & Rural Area Logan County, Colorado, Board of Logan County Commissioners, Req: Channel 15, 476-482 MHz, 100 watts, Primary: KWGN-TV, Denver, Colorado
BPTT-800609IC (New), Peetz & Rural Area Logan County, Colorado, Board of Logan County Commissioners, Req: Channel 17, 488-494 MHz, 100 watts, Primary: KOA-TV, Denver, Colorado
BPTT-800609ID (New), Peetz & Rural Area Logan County, Colorado, Board of Logan County Commissioners, Req: Channel 19, 500-506 MHz, 100 watts, Primary: KRMA-TV, Denver, Colorado
BPTT-800609IE (New), Peetz & Rural Area Logan County, Colorado, Board of Logan County Commissioners, Req: Channel 21, 512-518 MHz, 100 watts, Primary: KBTV-TV, Denver, Colorado
BPTT-800609IJ (New), Washington County, Akron & Otis, Rural area, Colorado, Board of Washington County Commissioners, Req: Channel 18, 494-500 MHz, 100 watts, Primary: KWGN-TV, Denver, Colorado
BPTT-800609IK (New), Washington County, Akron & Otis, Rural area, Colorado, Board of Washington County Commissioners, Req: Channel 14, 470-476 MHz, 100 watts, Primary: KOA-TV, Denver, Colorado
BPTT-800609IL (New), Washington County, Akron & Otis, Rural area, Colorado, Board of Washington County Commissioners, Req: Channel 20, 506-512 MHz, 100 watts, Primary: KRMA-TV, Denver, Colorado
BPTT-800609IM (New), Anton & SW Rural area Washington County, Colorado, Board of Washington County Commissioners, Req: Channel 30, 566-572 MHz 100 watts, Primary: KBTV-TV, Denver, Colorado
BPTT-800609IN (New), Anton & SW Rural area Washington County, Colorado, Board of Washington County Commissioners, Req: Channel 26, 542-548 MHz 100 watts, Primary: KWGN-TV, Denver, Colorado
BPTT-800609IO (New), Akron, Otis, Anton & SW and Rural Area, Washington County, Colorado, Board of Washington County Commissioners, Req: Channel 28, 554-460 MHz, 100 watts, Primary: KBTV-TV, Denver, Colorado
BPTT-800609IP (New), Akron & Otis, and Rural Area, Washington County, Colorado, Board of Washington County Commissioners, Req: Channel 24, 530-536 MHz, 100 watts, Primary: KRGN-TV, Denver, Colorado
BPTT-800609IQ (New), Akron & Otis, and Rural Area, Washington County, Colorado, Board of Washington County Commissioners, Req: Channel 16, 482-488 MHz, 100 watts, Primary: KBTV-TV, Denver, Colorado
BPTT-800613IE (New), Detroit, Michigan, Los Cerezos Television Company, Req: Channel 66, 782-788 MHz, 1000 watts, Primary: KWEX-TV, San Antonio, Texas
BPTT-800715IB (New), Palo Alto, Mountain View, Los Altos, Sunnyvale, Saratoga, Los Gatos & San Jose, California, KNTV, Inc., Req: Channel 56, 722-728 MHz, 1000 watts, Primary: KNTV-TV, San Jose, California

BMPTT–790501IA K67BR, Verde Valley, Et Al, Arizona, Verde Valley TV Club Committee, Req: Change frequency to Channel 57, 728–734 MHz

VHF TV Translator Applications

BPTTV–790604IS (New), Cedar City, Utah, Iron County, Req: Channel 5, 76–82 MHz, 10 watts, Primary: KBYU-TV, Provo, Utah

BPTTV–790803ID (New), Cedar City & Iron Springs, Utah, Iron County, Req: Channel 4, 66–72 MHz, 10 watts, Primary: KSTU-TV, Salt Lake City, Utah

VHF TV Translator Applications

BPTTV–79803IE K09CJ, Cedar City, Utah, Iron County, Req: Delete Iron Springs from principal community

BPTTV–790803IF K11CQ, Cedar City, Utah, Iron County, Req: Delete Iron Springs from principal community

BPTTV–790803IG K13CP, Cedar City, Utah, Iron County, Req: Delete Iron Springs from principal community

BPTTV–790904IN (New), Kanarville & New Harmony, Utah, Iron County, Req: Channel 6, 82–88 MHz, 10 watts, Primary: KSTU–TV, Salt Lake City, Utah

BPTTV–790904IO (New), Modena & Beryl Junction, Utah, Iron County, Req: Channel 9, 186–192 MHz, 10 watts, Primary: KSTU–TV, Salt Lake City, Utah

BPTTV–800102IJ K04GM, Rifle, Colorado, Garfield County, Req: Change principal community to Divide Creek & Grass Valley, change primary TV Station to KWGN Channel 2, Denver, Colorado

BPTTV–800104IV K06GW, Rifle, Colorado, Garfield County, Req: Change principal community to Divide Creek & Grass Valley, Colorado, change primary Station to KRMA Channel 6, Denver, Colorado

BPTTV–800107IQ K06BU, West Glenwood Springs, Colorado, Garfield County, Req: Change frequency to Channel 5, 76–82 MHz, change primary TV Station to KWGN Channel 2, Denver, Colorado

BPTTV–800206IF (New), Christochina, Alaska, State of Alaska, Req: Channel 9, 186–192 MHz, 10 watts, Primary: KTVA–TV, KENI–TV, KIMO–TV, KAKM–TV, Anchorage, Alaska, KTOO–TV, Juneau, Alaska, KYUK–TV, Bethel, Alaska, KUAC–TV, Fairbanks, Alaska

FM Translator Applications

BPFT–800 125ID (New), Lone Pine & Olancha, California, Inyo County TV Advisory Commission, Req: Channel 240, 95.9 MHz, 1 watt, Primary: KIOQ–FM, Bishop, California

BPFT–800125IE K221AB, Yosemite National Park, California, Yosemite Park and Curry Colorado, Req: Change primary TV Station to KKHI, Channel 239, San Francisco, California

BPFT–800228IF (New), Roswell, Norcross, Atlanta & Marietta, Georgia, The Berry Foundation, Inc., Req: Channel 298, 107.5 MHz, 1 watt, Primary: WNBW–FM, Chattanooga, Tennessee

BPFT–800228IG (New), Conyers, Lawrenceville, Decatur & Tucker, Georgia, The Berry Foundation, Req: Channel 263, 100.5 MHz, 1 watt, Primary: WMBW–FM, Chattanooga, Tennessee

BPFT–800204IQ (New), Casper, Wyoming, Casper Community College District, Req: Channel 204, 88.7 MHz, 10 watts, Primary: KUWR–FM, Laramie, Wyoming

BPFT–800212IE (New), Battle Mountain & Whirlwind Valley, Nevada, Western Inspirational Broadcasters, Inc., Req: Channel 221, 92.1 MHz, 10 watts, Primary: KNIS–FM, Carson City, Nevada

BPFT–800213IE (New), Walker, Minnesota, Walker Christian Broadcasting, Inc., Req: Channel 224, 92.7 MHz, 10 watts, Primary: KTIG–FM, Pequot Lakes, Minnesota

BPFT–800228ID (New), Culbertson, Montana, KVCK, Inc., Req: Channel 288, 105.5 MHz, 10 watts, Primary: KYZZ–FM, Wolf Point, Montana

BPFT–800228IE (New), Circle, Montana, KVCK, Inc., Req: Channel 292, 106.3 MHz, 10 watts, Primary: KYZZ–FM, Wolf Point, Montana

BPFT–800229IB (New), Mabelton, East Point & Morrow, Georgia, The Berry Foundation, Req: Channel 290, 105.9 MHz, 1 watt, Primary: WMBW–FM, Chattanooga, Tennessee

BPFT–800104IU (New), McDermitt, Nevada, Quinn River Television Maintenance District, Req: Channel 261, 100.1 MHz, 10 watts, Primary: KJOT–FM, Boise, Idaho

BPFT–800107IP (New), Ridgecrest, China Lake & Inyokern, California, Indian Wells Valley TV Booster, Inc., Req: Channel 204, 88.7 MHz, 1 watt, Primary: KVCR–FM, San Bernardino, California

BPFT–800109IQ (New), Thousand Oaks, Ventu Park, Newbury Park & Conejo Valley, California, University of Southern California, Req: Channel 202, 88.3 MHz, 1 watt, Primary: KUSC–FM, Los Angeles, California

BPFT–800109IR (New), Altadena, Pasadena & La Canada, California, University of Southern California, Req: Channel 202, 88.3 MHz, 1 watt, Primary: KUSC–FM, Los Angeles, California

BPFT–800110IG (New), Mesa, Colorado, Mesa Broadcasting Company, Req: Channel 288, 105.5 MHz, 10 watts, Primary: KQIX–FM, Grand Junction, Colorado

BPFT–800114IN (New), Freeman & Menno, South Dakota, Dordt College, Inc., Req: Channel 214, 90.7 MHz, 10 watts, Primary: KDCR–FM, Sioux Center, Iowa

BPFT–800115IB (New), Victorville & Apple Valley, California, Audio Environments, Inc., Req: Channel 292, 106.3 MHz, 1 watt, Primary: KQLH–FM, San Bernardino, California

BPFT–800121II (New), Ash Springs & Alamo, Nevada, Temple Church d/b Tri-State Translators, Req: Channel 285, 104.9 MHz, 10 watts, Primary: KIIA–FM, Henderson, Nevada

VHF TV Translator Applications

BPTTV–800207IB K06EL, Rural Swan River, Montana, Swan Hill TV, Inc., Req: Change primary TV Station to KCFW–TV, Channel 9, Kalispell, Montana, change principal community to Ferndale, Lakeside, Somers & Swan Valley, Montana, increase output power to 10 watts

BPTTV–800317IJ (New), Speculator, Lake Pleasant & Piseco, New York Page Hill Community Telecasters, Inc., Req: Channel 4, 66–72 MHz, 1 watt, Primary: WMHT–TV, Schenectady, New York

BMPTT–800215IB K13PY, Fredericksted, Virgin Islands Public TV System, Req: Change frequency to Channel 15, 476–482 MHz, increase output power to 100 watts

BPTTV–791015IJ (New), Hazen, North Dakota, City of Hazen, Req: Channel 11, 198–204 MHz, 1 watt, Primary: KFME–TV, Bismarck, North Dakota

UHF TV Translator Applications

BPTT–800324IL K57AY, Dryden, Washington, Upper Wenatchee Valley TV Association, Inc., Req: Change primary Station to KCTS–TV, Channel 9, Seattle, Washington, increase output power to 100 watts

BPTT–800609IF (New), Sterling & Flemming Rural Area, Logan County, Colorado, Board of Logan County Commissioners, Req: Channel 23, 524–530 MHz, 100 watts, Primary: KWGN–TV, Denver, Colorado

BPTT–800609IG (New), Sterling, Flemming Rural Area, Logan County, Colorado, Board of Logan County Commissioners, Req: Channel 25, 536–542 MHz, 100 watts, Primary: KOA–TV, Denver, Colorado

BPTT–800609IH (New), Sterling, Flemming Rural Area, Logan County, Colorado, Board of Logan County Commissioners, Req: Channel 27, 716–722 MHz, 100 watts, Primary: KBTV–TV, Denver, Colorado

BPTT–800609II (New), Sterling, Flemming Rural Area, Logan County, Colorado, Board of Logan County Commissioners, Req: Channel 29, 506–512 MHz, 100 watts, Primary: KRMA–TV, Denver, Colorado

BPTT–791015II (New), Okeechobee, Florida, Hubbard Broadcasting, Inc., Req: Channel 61, 752–758 MHz, 100 watts, Primary: WTOG–TV, St. Petersburg, Florida

BPTT–800821IG (New), Victorville & Adjacent Communities, California, Victor Valley Public Translator, Inc., Req: Channel 55, 716–720 MHz, 100 watts, Primary: KBAK–TV, Bakersfield, California

BPTT–800821IF (New), Victorville & Adjacent Communities, California, Victor Valley Public Translator, Inc., Req: Channel 51, 692–698 MHz, 100 watts, Primary: KCOP–TV, Los Angeles, California

FM Translator Applications

BPFT–800307IA (New), Helena, Montana, Helena Public Radio Association, Req: Channel 214, 90.7 MHz, 10 watts, Primary: KUFM–FM, Missoula, Montana

BPFT–800325IA (New), Cashmere, Washington, Upper Wenatchee Valley TV Association, Inc., Req: Channel 240, 95.9 MHz, 10 watts, Primary: KPQ–FM, Wenatchee, Washington

BPFT–800821IA (New), Williamsport, Pennsylvania, Muncy Terraces Christian Activity Center, Inc., Req: Channel 280, 103.9 MHz, 1 watt, Primary: WPGM–FM, Danville, Pennsylvania

BMPFT–800602IA K224AM, Santa Cruz & Boulder, California, Western Translators, Inc., Req: Change frequency to Channel 228, 93.5 MHz

BPFT–800425IK (New), Houghton, Michigan, Michigan Technological University, Req: Channel 216, 91.1 MHz, 10 watts, Primary: WGGL–FM, Houghton, Michigan

[FR Doc. 80–28690 Filed 9–16–80; 8:45 am]

BILLING CODE 6712–01–M

Performance Review Board; Appointment of New Member

As required by the Civil Service Reform Act of 1978 (Pub. L. 95–454), Chairman Charles D. Ferris has appointed, effective August 23, 1980, the following member of the Performance Review Board, Federal Communications Commission, to fill the remaining vacancy for a one year term.

Randolph J. May, Associate General Counsel, Office of the General Counsel.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80-28689 Filed 9-16-80; 8:45 am]

BILLING CODE 6712-01-M

[PR Dockets Nos. 80-536, 537, and 538]

Paul O. Overlock, et al.; Hearing, Designation Order, Order To Show Cause and Suspension Order

Adopted: August 27, 1980.

Released: September 10, 1980.

In the Matters of Revocation of License of Paul O. Overlock, 8821 Rubio Avenue, Sepulveda, California 91343, For Amateur Radio Station License N6BHC, PR Docket No. 80–536; Suspension of Amateur Technician Operator License of Paul O. Overlock, 8821 Rubio Avenue, Sepulveda, California 91343, PR Docket No. 80–537; Application of Paul O. Overlock, 8821 Rubio Avenue, Sepulveda, California 91343, PR Docket No. 80–538; For general class operator license.

The Chief, Private Radio Bureau, has under consideration the Amateur radio station (N6BHC) and Technician Class Operator licenses of Paul O. Overlock, granted February 23, 1979, for five year terms. Also under consideration is Overlock's application to upgrade to General Class operator, dated September 26, 1979.

1. Paul O. Overlock was granted a Citizens Band (CB) license on March 26, 1976. On October 12, 1979, Overlock was issued an Order directing him to Show Cause why his CB radio station license should not be revoked. Overlock waived his right to a hearing, but included a written statement.

2. On May 8, 1980, the Commission released an Order (PR–066–80) revoking Overlock's Citizens Band radio station license. The Order considered Overlock's staterment and concluded that his station was wilfully operated in violation of the following CB Rules:[1]

17(a) (unauthorized frequencies; 27.630 MHz, 27.660 MHz, 27.630 MHz respectively, on March 22, 23 and 24, 1979. These frequencies are assigned for the exclusive use of United States Government radio stations).

19(a) (use of non type-accepted transmitter on March 22, 23, and 24, 1979).

23(a)(9) (communication with station more than 250 kilometers away, on March 22, 23 and 24, 1979).

30(a) (station identification as "X-ray Tango 416 and Paul" instead of by Commission call sign at end of communication on March 22, 23 and 24, 1979).

The findings and conclusions of the Order of Revocation shall be *res judicata* and shall not be relitigated in this proceeding.

3. Overlock's conduct described above raises questions as to his fundamental qualifications to remain a Commission licensee and also precludes the Commission from determining that a grant of his application would serve the public interest, convenience and necessity.

4. Section 312(a)(4) of the Communications Act of 1934, as amended, provides that radio station licenses may be revoked for wilful violation of the Communications Act or of Commission Rules. Section 303(M)(1)(A) of the Communications Act provides that an operator's license may be suspended for wilful violation of the Communications Act or of Commission Rules. Section 309(e) of the Communications Act requires the Commission to designate an application for hearing where it cannot find that grant of the application would serve the public interest, convenience, and necessity.

5. Accordingly, it is ordered, That Overlock show cause why the license for station N6BHC should not be revoked and the Technician Class Operator's license for Overlock is suspended for the remainder of the license term. The suspension will be held in abeyance if Overlock requests a hearing or submits a written statement for consideration.[2]

6. It is further ordered, That Overlock's application for a General Class Operator's license and modification is designated for hearing on the issues specified below.

7. It is further ordered, that if Overlock wants a hearing on the revocation, suspension, and/or application matters, he must file a written request for a hearing within 30 days.[3] [4] If a hearing is requested, the time, place, and Presiding Judge will be specified by subsequent Order.

8. It is further ordered, that if Overlock waives his right to a hearing on the suspension matter and does not submit a statement, the suspension will take effect 30 days after Overlock receives this Order;[5] If Overlock waives his right to a hearing and submits a written statement, the suspension matter will be certified to the Commission for administrative disposition.[6] If Overlock waives his right to a hearing on the revocation matter, it will be certified to the Commission for administative disposition pursuant to § 1.92(c) of the Rules. If Overlock does not request a hearing on his application, it will be dismissed with prejudice for failure to prosecute, pursuant to § 1.221(c) of the Rules.

9. It is further ordered, That the matters in this proceeding will be resolved upon the following issues:

(a) To determine the effect of the May 8, 1980, Order revoking Overlock's CB license on his qualifications to be a licensee of the Commission.

(b) To determine whether Paul O. Overlock possesses the requisite qualifications to remain a Commission licensee.

(c) To determine whether the license for Amateur radio station N6BHC should be revoked.

(d) To determine whether the suspension order should be affirmed, modified or dismissed.

(e) To determine whether grant of the application would serve the public interest, convenience and necessity.

10. It is further ordered, That pursuant to § 1.227 of the Rules, the revocation, suspension and application proceedings are consolidated for hearing.

11. It is further ordered, That copies of this Order shall be sent by Certified Mail—Return Receipt Requested and by Regular Mail to the licensee at his address of record as shown in the caption.

Raymond A. Kowalski,

Acting Chief, Compliance Division.

[FR Doc. 80-28681 Filed 9-16-80; 8:45 am]

BILLING CODE 6712-01-M

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[1] The CB Rules are contained in § 95.401 of the Commission's Rules.

[2] Any contrary provisions of § 1.85 of the Rules are waived.

[3] Any contrary provisions of §§ 1.85 and 1.221(c) of the Rules are wavied.

[4] The attached form should be used to request or waive hearing. It should be mailed to the Federal Communications Commission, Washington, D.C. 20554.

[5] If Overlock waives hearing and does not submit a statement on the suspension matter, he must submit his license to the Commission within 30 days to be retained during the suspension period.

[6] Any contrary provisions of § 1.85 of the Rules are waived.

Radio Technical Commission for Marine Services; Meeting Change

The meeting of Special Committee 73, "MPS—Marine Omega Receiving Equipment," previously announced for 9:30 a.m., October 2, has been rescheduled for 9:30 a.m. on Monday, September 29. The site and agenda are not changed. For questions concerning this meeting contact the Executive Secretary, RTCM at (202) 632-6490.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 80-28621 Filed 9-16-80; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

Bank of California International; Establishment of U.S. Branch of a Corporation Organized Under Section 25(a) of the Federal Reserve Act

Bank of California International, New York, New York, a corporation organized under section 25(a) of the Federal Reserve Act, has applied for the Board's approval under § 211.4(a)(2) of the Board's Regulation K (12 CFR 211.4(a)(2)) to move its home office from New York, New York, to San Francisco, California, and under § 211.4(c)(1) of Regulation K (12 CFR 211.4(c)(1)), to convert its existing office in New York, New York, into a branch. Bank of California International operates as a subsidiary of The Bank of California, N.A., San Francisco, California.

The factors that are to be considered in acting on this application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than October 14, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute, and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 11, 1980.
Cathy L. Petryshyn,
Assistant Secretary of the Board.

[FR Doc. 80-28633 Filed 9-16-80; 8:45 am]
BILLING CODE 6210-01-M

Chanhassen Financial Services, Inc.; Formation of Bank Holding Company

Chanhassen Financial Services, Inc., Chanhassen, Minnesota, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 94.95 percent or more of the voting shares of State Bank of Chanhassen, Chanhassen, Minnesota. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than October 10, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 10, 1980.
Cathy L. Petryshyn,
Assistant Secretary of the Board.

[FR Doc. 80-28632 Filed 9-16-80; 8:45 am]
BILLING CODE 6210-01-M

Erie Bancorp, Inc.; Formation of Bank Holding Company

Erie Bancorp, Inc., Erie, Illinois, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 86.3 percent or more of the voting shares of Erie State Bank, Erie, Illinois. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 14, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 11, 1980.
Cathy L. Petryshyn,
Assistant Secretary of the Board.

[FR Doc. 80-28631 Filed 9-16-80; 8:45 am]
BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPR 37, Federal Procurement Supplement 8]

Companies Not in Compliance With Voluntary Wage and price Standards

August 28, 1980.

To: Heads of Federal agencies.
Subject: Companies not in compliance with the Voluntary Wage and Price Standards.

1. *Purpose.* This supplement provides a complete relisting of all companies that have been determined to be, and are now, in noncompliance with the Voluntary Wage and Price Standards formulated under Executive Order 12092.

2. *Expiration date.* This bulletin contains information of a continuing nature and will remain in effect until canceled.

3. *Substance.* Attachment A is the August 21, 1980, letter from the Administrator, Office of Federal Procurement Policy, to GSA and DOD. The letter includes the list of companies that are in noncompliance with the Voluntary Wage and Price Standards. The list supersedes the list previously published in GSA Bulletin FPR 37, Supplement 7.

4. *Cancellation.* This bulletin cancels GSA Bulletin FPR 37, Supplement 7, dated August 15, 1980.

Gerald McBride,
Assistant Administrator for Acquisition Policy.
August 28, 1980.

GSA Bulletin FPR 37, Attachment A, Supplement 8

Executive Office of the President,
Office of Management and Budget
Washington, D.C.
August 21, 1980.

Memorandum to: The Secretary of Defense, The Administrator of General Services.
From: Karen Hastie Williams, Administrator, Office of Federal Procurement Policy.
Subject: Companies not in compliance with the Voluntary Wage and Price Standards.

The Council on Wage and Price Stability has determined that the following companies are not in compliance with the Voluntary Wage and Price Standards formulated pursuant to Executive Order 12092 (43 FR 51375). The list is current as of August 13, 1980.

Company and Original Date Listed

Cement Division compliance unit of Ideal Basic Industries, Inc., P.O. Box 8789, Denver, Colorado 80201, DUNS Number 00-706-1385—June 15, 1979.

Northwestern Steel and Wire Co., 121 Wallace Street, Sterling, Illinois 61081, DUNS Number 00-526-3157—July 24, 1979.

Mason Contractors of DuPage County, P.O. Box 129, Mount Prospect, Illinois 60056, DUNS Number 99-106-2472—July 24, 1979.

American Hoechst Corporation, Route 202-206 North, Somerville, New Jersey 08876, DUNS Number 04-578-7991—October 23, 1979.

Boston Distributors, a compliance unit of Cook United, Inc., 16501 Rockside Road, Cleveland, Ohio 44137, DUNS Number 09-449-7245—January 21, 1980.

National Gypsum Company, 4100 First International Building, Dallas, Texas 75270, DUNS Number 00-138-2431—January 21, 1980.

Crown Central Petroleum Corp., One North Charles, P.O. Box 1168, Baltimore, Maryland 21203, DUNS Number 00-308-2401—March 25, 1980.

Gust K. Newberg Company & Assoc. (out of compliance only in Will County and vicinity, Illinois), 2040 North Ashland Avenue, Chicago, Illinois 60614, DUNS Number 00-693-1869—March 25, 1980.

Mid-America Regional Bargaining Association, 228 North LaSalle Street, Chicago, Illinois 60601, DUNS Number 99-106-2514—March 25, 1980.

Contractors Association of Will and Grundy Counties, 254½ Rusy Street, Joliet, Illinois 60435, DUNS Number 99-106-2522—March 25, 1980.

Residential Construction Employers Council, 1010 Jorie Boulevard, Suite 112, Oak Brook, Illinois 60521, DUNS Number 99-106-2530—March 25, 1980.

Koch Fuels, Inc., a compliance unit of Koch Refining Company, P.O. Box 31, Gloucester City, N.J. 08030, DUNS Number 07-057-9404—April 2, 1980.

Church's Fried Chicken, Inc., P.O. Box BH001, San Antonio, Texas 78284, DUNS Number 02-701-7417—April 2, 1980.

Monolith Portland Cement Co., P.O. Box 3303, Terminal Annex, Suite 201, Glendale, California 91202, DUNS Number 00-825-5580—April 18, 1980.

Dundee Cement Company, P.O. Box 122, Dundee, Michigan 48131, DUNS Number 00-503-8500—May 2, 1980.

Santee Portland Cement Co., S.C. Highway #53, Holly Hill, South Carolina, DUNS Number 00-336-8891—May 2, 1980.

Hyatt Hotels compliance unit of Hyatt Corporation (which includes all hotels owned or managed by the Hyatt Corporation), 9701 W. Higgins Road, Rosemont, Illinois 60018, DUNS Number 04-738-6677—May 20, 1980.

Air Conditioning and Refrigeration Contractors Association, 870 Market Street, San Francisco, California 94102, DUNS Number 99-106-2548—May 30, 1980.

Industrial Contractors (UMIC, Inc.), P.O. Box 1005, Tiburon, California 94920, DUNS Number 99-106-2555—May 30, 1980.

Plumbing Heating Piping Employers Council, 36 Tiburon Blvd., Mill Valley, California 94941, DUNS Number 99-106-2563—May 30, 1980.

SCOA Industries, Inc. (excluding foreign subsidiaries), 155 East Broad Street, Columbus, Ohio 43215, DUNS Number 00-790-2208—October 23, 1980.

National Electrical Contractors Association (Oregon-Columbia Chapter), 201 S.W. Arthur Street, Portland, Oregon 97201, DUNS Number 99-106-2480—October 23, 1979.

The Eureka Company, 1201 East Bell Street, Bloomington, Illinois 61701, DUNS Number 00-116-3823—November 27, 1979.

Portland Association of Plumbing Heating and Cooling Contractors (two noncomplying agreements), 0612 S.W. Idaho, Portland, Oregon 97201, DUNS Number 06-509-2300—November 27, 1979.

Sheetmetal Association, Inc., c/o 3434 S.W. Water Avenue, Portland, Oregon 97201, DUNS Number 99-106-2498—November 27, 1979.

San Diego Contracting Lathers Association, 7855 Ostrow Street, San Diego, CA 92111, DUNS Number 99-106-2506—November 27, 1979.

"All other" compliance unit of Gifford-Hill & Company, Inc. (which includes all products exclusive of transportation, irrigation and metal building products), 8435 Stimmons Freeway, P.O. Box 47127, Dallas, Texas 75247, DUNS Number 00-792-6496—December 27, 1979.

Residential Plumbing and Mechanical Contractors of North California, 1545 B Palos Verdes Mall, Walnut Creek, California 94596, DUNS Number 99-106-2571—May 30, 1980.

Santa Clara Valley Contractors Association, 400 Reed Street, Santa Clara, California 95050, DUNS Number 99-106-2589—May 30, 1980.

Burlington Northern Air Freight, Inc., a compliance unit of Burlington Northern, Inc., 4350 Von Karman Avenue, New Port Beach, California 92660, DUNS Number 05-802-0496. (Note.—This is a change in address and DUNS Number for this Company.)—July 2, 1980.

Hotels Division and Hotel-Casinos Division, compliance units of Hilton Hotels Corporation, 9880 Wilshire Blvd., Beverly Hills, California 90210, DUNS Number 00-693-0531 (limited to Hotels Division and Hotel-Casinos Division)—July 10, 1980.

Murphy Oil, Domestic Marketing and Refining Division, a compliance unit of Murphy Oil Corporation (excluding foreign subsidiaries), 200 Jefferson Avenue, El Dorado, Arkansas 71730, DUNS Number 00-806-3712—July 15, 1980.

Harris-Teeter Supermarkets, Inc., a compliance unit of Ruddick Corporation, 4017 Chesapeake Drive, P.O. Box 33129, Charlotte, N.C. 28233, DUNS Number 99-106-9287—August 13, 1980.

Circle K Corporation, 4500 south 40th Street, Phoenix, Arizona, DUNS Number 00-894-8143—August 13, 1980.

This supersedes the previous list promulgated by OFPP memorandum of July 17, 1980. Changes to that list include the addition of two companies. There are no deletions. Each company's "DUNS Number" has now been added to assist in the identification of the noncompliant company.

Pursuant to the terms of Office of Federal Procurement Policy Letter 78-6 dated December 27, 1978, I request that you publish this information in a Defense Acquisition Circular and Federal Procurement Regulations Bulletin.

[FR Doc. 80-28620 Filed 9-16-80; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Meeting Changes; National Advisory Council on Drug Abuse and Rape Prevention and Control Advisory Committee

National Advisory Council on Drug Abuse: In **Federal Register** Document 80-24538 appearing on page 54142 in the issue of Thursday, August 14, 1980, the meeting of the National Advisory Council on Drug Abuse scheduled for September 25-26, 1980, in Conference Room C, Parklawn Building has been changed to meet in Conference Room G-H, Parklawn Building, 5600 Fishers Lane, Rockville, MD., beginning at 9:00 a.m.

Rape Prevention and Control Advisory Committee: In **Federal Register** Document 80-27125 appearing on page 58964 in the issue of Friday, September 5, 1980 the meeting of the Rape Prevention and Control Advisory Committee scheduled for September 26, 1980 in Conference Room G, Parklawn Building has been changed to meet in Conference Room F, Parklawn Building, 5600 Fishers Lane, Rockville, MD. beginning at 9:00 a.m.

Dated September 11, 1980.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 80-28611 Filed 9-16-80; 8:45 am]

BILLING CODE 4110-88-M

National Institute for Occupational Safety and Health

Grants for Research and Demonstrations Relating to Reproductive Effects From Occupational Hazards

The National Institute for Occupational Safety and health (NIOSH) announces that competitive grant applications are being accepted for research and demonstration projects relating to the identification and prevention of reproductive effects from occupational hazards.

The knowledge base in the area of toxic reproductive hazards is still relatively small. Altered fertility, low birth weight, spontaneous abortion, transplacental carcinogenesis, congenital malformation, mutagenesis, and developmental abnormalities are among the effects on reproduction that have been recognized to result from toxic occupational exposure. Exposure to both men and women can produce these effects.

Projects approved under this program must compete for funding with research projects in other areas. The projected NIOSH fiscal year 1981 research grant budget is $5.75 million. Grants may be supported for up to five years, and may be renewed for an additional period, subject to the competitive review procedure and availability of funds. Grantees will be required to cost share a minimun of 5 percent.

Authority

These grants will be awarded and administered by NIOSH under the research and demonstration grant authority of Section 20(a)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669(a)(1)). Program regulations applicable to these grants are contained in Part 87 of Title 42, Code of Federal Regulations, "Research and Demonstration Grants Pertaining to Occupational Safety and Health." Except as otherwise indicated, the basic grant administration policies of the Public Health Service are applicable to this program. This program is not subject to OMB Circular A-95 nor Health Systems Agency Review.

Eligible Applicants

Eligible applicants may be universities, colleges, research institutions and other public and private nonprofit organizations including State and local governments.

Background

Over the past several decades there has been a threefold increase in the number of women employed in the U.S. workforce. During this period women have been employed in more hazardous occupations including those traditionally restricted to men. In recent years an increasing number of pregnant women have remained on the job until near the end of pregnancy. Thus, many more women and their unborn children are being exposed to chemical, physical, and psychological hazards of the workplace. Despite this fact, very little is known about the impact of such exposures on fetal wastage and growth and development. Because of the unique role of women in the reproductive process, exposure to chemical and physical hazards has targeted attention on the risks to the offspring of maternal exposure. We tend to forget that the working male exposed to mutagenic agents also places the health of his offspring at risk.

Other areas of concerns are:

1. Recognition of the potential that exists for harm to the germ cells of parents of both sexes, signaling a need to investigate the possibilty that occupational hazards might affect the fertility of both men and women;
2. The realization that significant quantities of industrial materials may be brought home in clothing resulting in the potential exposure of non-working pregnant women, making studies of teratogenicity of agents to which male workers are exposed as important as studies of infertility and mutagenicity; and
3. The possibility that childhood cancers may be related to pre-natal environmental exposures.

Research Goals and Scope

The goal of this announcement is to stimulate and encourage high quality research and demonstration grants in the areas of research listed below. These areas are not mutually exclusive. It is anticipated that a given area may cut across several areas. Included under each research area are examples of the types of studies which would be of interest to NIOSH. They are not meant to be restrictive and are cited for illustrative purposes only.

1. *Epidemiology and Biometry.*—Projects which consider the epidemiology of reproductive effects, including altered fertility, spontaneous abortion, fetal deaths, genetic diseases and disorders, and childhood cancer resulting from chemical and physical occupational hazards. Of particular interest are studies where dose-effect relationships are identitied or determined. NIOSH is interested in epidemiological research using a variety of methods or approaches. Such methods include those which generate hypotheses and typically use registries, medical records, or statistics as the primary data source and those methods which tend to confirm hypothese by demonstrating dose-effect realationship or the prevention of an effect by interruption of exposure. Specific examples of epidemiology studies include:

- Studies which identify groups of workers with abnormal reproductive experience and determine probable cause.
- Studies to determine whether an incidence of infertility, spontaneous abortion, or fetal mortality in the reproductive experience of a specific group of workers and/or spouses is abnormal.
- Studies to assess the parental employment relatedness of cancer in childhood.
- Studies on known reproductive hazards to evaluate and compare methodologies and to determine association between endpoints of the methodologies.

2. *Toxicology.*—Projects to identify reproductive (mutagenic, teratogenic, etc.) hazards of chemicals to workers and to provide an early warning of the possible deleterious effects. Examples include:

- Research which develops test systems to detect mutagenic activity of air particulates, chemical mixtures or complexes found in the workplace.
- Research to validate human cell mutagenic assay systems.
- Projects which study the possible synergistic effect of mutagenic and teratogenic chemicals produced in the workplace.
- Studies which evaluate the usefulness of body fluid analysis and cytogenic assay system for assessment of the mutagenic hazard of chemicals to workers.

3. *Experimental Laboratory Investigations.*—Projects to elucidate the biochemical and physiological mechanisms of activity and nature of reproductive hazards in the workplace. Examples include:

- Studies to develop and validate screening systems based upon biochemical, enzymatic, or hormonal components of body fluids (e.g., blood, urine, semen) that can be used as reliable indices of the functional state of the reproductive system.
- Investigations to develop, improve, or validate short-term or *in vitro* methods for teratogenesis testing.
- Studies of mechanisms of teratogenesis, with the goal to improve the ability to predict relative teratogenic potential of chemically related compounds or to make inter-species extrapolations of teratogenesis data.
- Research on the mechanisms by which abnormalities are induced in sperm head morphology and the implications of morphological changes as indicators of induced mutations or of impaired reproductive capacity.

4. *Control Technology*—Projects to develop new and improved methods or equipment to prevent reproductive effects from occupational hazards, including:

- Studies which identify workers potentially or actually exposed to reproductive hazards and design new or improved controls for the hazards.

- Research which adapts existing methods, as well as developing new methods of monitoring and controlling reproductive hazards in the workplace.
- Research which seeks to use innovative approaches, such as alternative materials, engineering controles, process modification and protective equipment to prevent known or suspected reproductive problems.

5. *Health Education Research and Demonstration Projects*—Projects to increase awareness of the importance of reproductive hazards in the workplace, such as:

- Development of educational programs for health professionals, and worker educators to increase their awareness of the issues and problems surrounding reproductive effects from occupational hazards.

Review Procedures and Criteria

The initial review of applications responsive to this program announcement will be arranged by the Division of Research Grants, NIH. Major factors considered in evaluating each application include:

- Training, experience, and research competence, or promise, of the applicant(s) to carry out the proposed investigations, and the adequancy of effort (time) to be devoted to the project.
- The scientific merit of the proposal: The questions proposed for study, the research design, the proposed methodology, the proposed methods for analysis and interpretation of data.
- Adequacy and suitability of the existing and proposed facilities and resources.
- Appropriateness of the requested budget relative to the work proposed.
- Adequacy of collaborative arrangement(s), if applicable.

A Secondary review process will be conducted by NIOSH. Factors considered in this review include:

- The results of the initial review;
- The significance of the proposed research to the research program of NIOSH;
- National needs and program balance; and
- Policy and budgetary considerations.

Proposals considered to be non-responsive to the terms outlined in this program announcement will be appropriately reassigned for review or returned to the investigator, as indicated. Returned proposals may be revised and resubmitted.

Application and Award

Applications should be submitted on Form PHS-398 (or PHS-5161-1-1 for State and local governments). Forms should be available from the institutional business offices or from the addresses listed below. Care should be taken in following the instructions included with the application form making certain to fulfill the points identified under the heading "Review Criteria."

An original and six copies (original and two for State and local governments) of the application should be sent or delivered to: Application Receipt, Division of Research Grants, NIH, Room 240, Westwood Building, Bethesda, Maryland 20205.

A brief covering letter must accompany the application indicating that it is submitted in response to this program announcement.

The timetable for receiving applications and awarding grants is as follows:

Application deadline	Initial review group meeting date	Expected start date
Nov. 1	February/March	July 1.
Mar. 1	June	Dec. 1.
July 1	October/November	Apr. 1.

Applications received after the deadline date will be considered with the applications received for the following deadline date. Awards will be made based on priority score ranking and emphasis area, as well as, availability of funds.

FOR FURTHER INFORMATION CONTACT:

Faye Calhoun, Chief, Grants Administration and Review Branch, National Institute for Occupational Safety and Health, Parklawn Building, Rm. 8-63, 5600 Fishers Lane, Rockville, Maryland 20857, telephone: (301) 443-4493.

Joseph West, Grants Management Officer, National Institute for Occupational Safety and Health, Parklawn Building, Rm. 8-29, 5600 Fishers Lane, Rockville, Maryland 20857, telephone: (301) 443-3122.

(Catalog of Federal Domestic Assistance Program No. 13.262, Occupational Safety and Health Research Grants)

Dated: September 10, 1980.

Anthony Robbins,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 80-28612 Filed 9-16-80; 8:45 am]

BILLING CODE 4110-87-M

Office of Human Development Services

Federal Allotments to States for Personnel Training or Retraining; Promulgation for Fiscal Year 1981

Promulgation is made of the Federal Allotment for personnel training or retraining for Fiscal Year 1981 for purposes of grants to States under Title XX of the Social Security Act pursuant to Section 2002(a)(2) of the Act which places a limitation on Federal matching funds for personnel training and retraining and mandates a formula for allocating such limitation.

For Fiscal Year 1981, the Federal matching funds are limited to the highest of:

- 4 percent of the State's Fiscal Year 1981 allotment for title XX social services or
- The actual amount of Federal matching for the amounts spent by the State for training in Fiscal Year 1979.

It is hereby promulgated, for purposes of grants to States for personnel training and retraining under title XX, that the Federal allotment to each of the 50 States and the District of Columbia for the Fiscal Year ending September 30, 1981, as determined pursuant to the Act on the basis of said formula shall be as set forth below:

State	Allotment
Total	$142,747,796
Alabama	1,990,562
Alaska	214,376
Arizona	1,924,619
Arkansas	1,862,666
California	11,859,326
Colorado	1,420,310
Connecticut	11,385,795
Delaware	310,128
District of Columbia	358,535
Florida	4,571,591
Georgia	2,760,540
Hawaii	477,160
Idaho	467,053
Illinois	5,980,731
Indiana	2,858,707
Iowa	1,540,532
Kansas	1,249,022
Kentucky	2,640,587
Louisiana	2,109,720
Maine	1,204,844
Maryland	2,203,875
Massachusetts	3,713,551
Michigan	4,888,102
Minnesota	2,132,062
Mississippi	1,348,959
Missouri	2,585,284
Montana	1,178,345
Nebraska	832,504
Nevada	351,088
New Hampshire	463,330
New Jersey	3,897,609
New Mexico	1,081,756
New York	15,133,256
North Carolina	4,057,171
North Dakota	535,531
Ohio	5,717,947
Oklahoma	1,532,020
Oregon	1,300,089
Pennsylvania	6,250,430
Rhode Island	764,702
South Carolina	1,552,235

—Continued

State	Allotment
South Dakota	367,047
Tennessee	2,317,713
Texas	9,031,604
Utah	1,139,416
Vermont	673,464
Virginia	2,738,486
Washington	2,361,547
West Virginia	2,378,813
Wisconsin	2,489,001
Wyoming	544,055

It should be noted that actual availability of Federal matching funds is subject to congressional appropriations, and for Fiscal Year 1980 the appropriation was less than the allotment under the act.

Dated: September 9, 1980.

Barbara J. Sabol,

Director, Office of Program Coordination and Review.

Approved: September 11, 1980.

Kathryn Morrison,

Acting Assistant Secretary for Human Development Services.

[FR Doc. 80-28677 Filed 9-16-80; 8:45 am]

BILLING CODE 4110-92-M

White House Conference on Aging, Technical Committee Meeting

The White House Conference on Aging Technical Committee was established to provide scientific and technical advice and recommendations to the National Advisory Committee of the 1981 White House Conference on Aging and to the Executive Director of the 1981 White House Conference on Aging in developing issues to be considered and to produce technical documents to be used by the Conference.

Notice is hereby given pursuant to the Federal Advisory Committee Act, (Pub. L. 95-463, 5 U.S.C. App. 1, sec. 10, 1976) that the technical committee on the Creating an Age Integrated Society—Implications for the Media will hold a meeting on Wednesday, September 24, 1980 from 9:00 a.m. until 2:30 p.m. at the American Jewish Committee Institute of Human Relations, 165 East 56th St. in New York City.

At this meeting three specialists in the area of media portrayal will give summary reports of their findings with regard to available background materials on older people and the media. Specialists in television and advertising will react to those findings.

Further information on the technical committee meeting may be obtained from Mr. Jerome R. Waldie, Executive Director, White House Conference on Aging, Room 4059, 330 Independence Avenue, S.W., Washington, D.C. 20201, telephone (202) 245-1914. Technical Committee meetings are open for public observation.

Dated: September 11, 1980.

Mamie J. Welborne,

HDS Committee Management Officer.

[FR Doc. 80-28679 Filed 9-16-80; 8:45 am]

BILLING CODE 4110-92-M

White House Conference on Aging; Technical Committee Meeting

The White House Conference on Aging Technical Committee was established to provide scientific and technical advice and recommendations to the National Advisory Committee of the 1981 White House Conference on Aging and to the Executive Director of the 1981 White House Conference on Aging in developing issues to be considered and to produce technical documents to be used by the Conference.

Notice is hereby given pursuant to the Federal Advisory Committee Act, (Pub. L. 95-463, 5 U.S.C. App. 1, sec. 10, 1976) that the technical committee on Employment will hold a meeting on September 30, 1980 from 9:00 am to 4:00 pm in Room 5542, North Building of the Department of Health and Human Services, Washington, D.C.

At this meeting the committee will review a draft of Section A of the Committee's work outline.

Further information on the technical committee meeting may be obtained from Mr. Jerome R. Waldie, Executive Director, White House Conference on Aging, Room 4059, 330 Independence Avenue, S.W., Washington, D.C. 20201, telephone (202) 245-1914. Technical Committee meetings are open for public observation.

Dated: September 11, 1980.

Mamie J. Welborne,

HDS Committee Management Officer.

[FR Doc. 80-28680 Filed 9-16-80; 8:45 am]

BILLING CODE 4110-92-M

Office of the Secretary

Debt Collection Procedures

The Department Claims Officer is publishing this notice to advise the public of the new procedures governing debt collection for the Department under 31 U.S.C. 951-953 and the joint regulation of the General Accounting Office and the Department of Justice (4 CFR 101-104) which set standards for collection, suspension, compromise, and termination of collection action on debts owed to the United States by employees and by the public.

The procedures inform employees and the public what the consequences are for late payment of a debt owed to the Department.

They also provide guidance to operating agencies which may issue procedures specifically applicable to their own programs, although they are encouraged to use these procedures with as little change or addition as feasible in order to avoid proliferation of redundant materials or arbitrarily different procedures.

Pending resolution of practical and legal obstacles, these procedures do not implement a provision (4 CFR 102.4) to report delinquent debtors to credit bureaus. One practical problem is that there is no national interlocking network of credit bureaus. Another problem is the applicability of the Privacy Act to any debt information provided by the Government to credit bureaus. Until these issues are resolved, these procedures will not implement the provision in 4 CFR 102.4 to report delinquent debetors to credit bureaus.

Although these procedures are effective immediately, we invite comments on a continuing basis and will consider making any necessary revisions.

Department of Health and Human Services—Debt Collection Procedures

Sec.

4-70-00 Summary.
4-70-10 What debts are covered.
4-70-20 What debt claims are not covered; exhaustion requirement.
4-70-30 How debts arise.
4-70-40 Prevent debt collection problems.
4-70-50 Designate a Claims Collection Officer.
4-70-60 How to collect debts.
4-70-70 How to compromise claims.
4-70-80 How to suspend collection action.
4-70-90 How to end collection action.
4-70-100 How to refer claims to the General Accounting Office or to the Department of Justice.
4-70-110 Delegation of authority required under the Federal Claims Collection Act.
4-70-120 Delegations of authority by the Secretary under the Federal Claims Collection Act.
4-70-130 Further delegations of authority by Department Claims Officer.
Appendix A—Instructions for reporting uncollectible claims to the General Accounting Office and the Department of Justice.

4-70-00 Summary

The provisions of this part implement for the Department the Federal Claims Collection Standards issued by the General Accounting Office and the Department of Justice (see Chapters 4-50 through 4-60 of the HHS General Administration Manual). Whether a debt exists is generally a program question to be determined under the law and policy applicable to the activity under which the debt arises. The procedures govern the way the Department collects a debt; how the Department compromises, suspends or terminates debt collection of $20,000 or less (exclusive of interest) under written delegations of authority from the Secretary; and how a defaulted debt claim and an uncollectible claim over $20,000 are referred to GAO and the Department of Justice for litigation. The instructions below apply unless otherwise specified in a statute, regulations, contract or agreement. Advice on how to implement the Act and these provisions is available from the Department Claims Officer and delegates (see 4-70-130).

4-70-10 What Debts Are Covered

The procedures apply to a debt owing to the Government through this Department in the form of money or property. The debtor may be an individual or corporation or another Government entity. The debt is one which remains due after exhausting all remedies available to the Government for collection, settlement or waiver under the specific statutes or regulations applicable to the programs in which the debt arises.

4-70-20 What Debt Claims Are Not Covered; Exhaustion Requirement

A. The following types of debt claims are not covered by these procedures:

1. A claim arising from an exception made by the GAO in the account of an accountable officer, including a claim against the payee (GAO will provide guidance in such cases). Only the Comptroller General or his designee may compromise such claim.

2. A claim related to fraud, a false claim, misrepresentation, or criminal activity. The claim should be referred promptly to the Office of the Inspector General, which may refer it to the Criminal Division of the Department of Justice. The Department of Justice will return the claim for collection, suspension or termination under this chapter if it determines that criminal action is not warranted.

B. As a general rule, these standards should not be used until all statutory and other administrative procedures applicable to a particular debt are exhausted. For example:

1. Claims under the Federal Medical Care Recovery Act (42 U.S.C. 2651-2653; 28 CFR 43).

2. Claims under the Waiver of Overpayment of Pay Act (5 U.S.C. 5584; 4 CFR 91-93; 5 U.S.C. 5514; HHS Personnel Manual Instructions 550-8 and 550-9).

3. Claims under the various statutes authorizing student loans and scholarships.

4. Claims involved in cases pending before the Contract Appeals Board or Grants Appeals Board (see 45 CFR 16). However, nothing precludes negotiation and settlement of claims pending before these Boards.

4-70-30 How Debts Arise

A debt is any property or money owed to the Department. A debt arises when a person or organization such as a Departmental employee, a person with a student loan or fellowship, a grantee or party to a cooperative agreement (both referred to here as "assistees"), or a contractor, receives something of value from the Department and fails to fulfill the resulting obligation to the Department. Examples are: an employee who obtains travel allowance money and is not entitled to it, or doesn't use it as authorized, or has some left over; an employee who is erroneously overpaid and knows or should know that it is a mistake and has exahausted administrative remedies trying to obtain a waiver of the debt; an assistee which improperly obtains funds from more than one agency to perform identical research; an assistee which uses funds for purposes not allowed uder the grant or cooperative agreement; an assistee which defaults in performing the research or other project for which it received assistance; and a contractor which fails to perform the services or supply materials according to specifications in the contract. Generally, the debt is disputed by the debtor, and there may be other procedures which must be completed before collection action can be initiated (see 4-70-20).

4-70-40 Prevent Debt Collection Problems

A. Each operating agency should prevent collection problems. For example, to the extent feasible, before approving an initial application or renewing a contract, grant or agreement, the operating agency should make sure the applicable regulations are followed; investigate the integrity and responsibility of the assistee or contractor; investigate the current financial soundness of the recipient; find out whether the recipient owes money to the Government (by certification where appropriate); check whether the recipient is in default on payment or performance; and require prospective awardees to disclose whether any present officers of the corporation were ever employed or connected in an official capacity with a corporation which defaulted on a debt to the Government.

B. Each operating agency may request that each prospective assistee or contractor furnish with its submission its employer-identification number, the name of each corporate officer, his/her social security number, home and office addresses, as well as the name, current address, and social security number of each officer authorized to accept service of process involving any legal action against the corporation. However, the operating agency must by law advise the applicant that this information is relevant and necessary to accomplish the purposes of the Federal Claims Collection Act and that furnishing this information is voluntary (5 U.S.C. 552a(e); PL 93-579 § 7).

C. Each operating agency shall promptly notify the Departmental Federal Assistance Financing Branch (of DFAFS) or other appropriate payments or finance office, when it learns of default, change of ownership, bankruptcy of the debtor, or has other reason to believe continued payments to the debtor would be contrary to good judgment.

D. The operating agency, its finance office or DFAFS should commence immediate collection action as outlined below. A debt owed by an employee, contractor or grantee should be reported to all offices and agencies which may be able to set off the debt against funds due to the debtor. If all reasonable efforts to collect or resolve the debt are not successful referral to the Claims Collection Officer should not be delayed.

4-70-50 Designate a Claims Collection Officer

The head of each operating agency should designate an officer to be responsible for the administrative collection of debts (the Claims Collection Officer (CCO)). The CCO shall take prompt and aggressive action to collect all debts.

4-70-60 How to Collect Debts

A. Do not delay collection efforts since delay often reduces the likelihood of collection. Collection procedures should not be overloaded with unnecessary internal clearance or review requirements.

B. Send the first request for payment to the debtor telling the debtor how much is owed the Government, and the following:

1. The basis for the indebtedness, and the rules that apply.

2. That payment is due within 30 days from the date of the initial request for

payment. Thirty days notice generally is a reasonable time. An operating agency may determine, however, that particular circumstances warrant earlier or later payment.

3. That interest charges will be added starting on a specified date which is generally within 30 days from the date of the initial request for payment (see G below for percent of interest).

C. Send no more than three progressively stronger demand letters, unless circumstances indicate this is useless (for example, where the debtor explicitly refuses to pay, or clearly cannot pay) and alternative remedies would better protect the Government's interest. Demand letters should be sent by certified mail, return receipt requested. A prompt response should be made to any communication from the debtor. Alternative remedies include promptly filing suit in the case of an imminent statutory bar (28 U.S.C. 2415); attaching property in case of imminent departure of debtor or removal of assets or dissolution of corporation; and filing a claim in bankruptcy. If alternative remedies are contemplated, contact your servicing division of the Office of General Counsel or the Department Claims Officer.

D. Where feasible, the CCO will offset a debt against pay or compensation due the debtor from the same agency or elsewhere in the Government. Examples of funds against which offset can be made are:

1. Current pay of an employee (with respect to travel expenses, overpayment of pay or benefits).

2. Continuing entitlements to the same benefits originally overpaid.

3. Civil service retirement annuities or contributions.

4. Lump-sum leave payments, severance pay of Federal employees; and

5. Amounts due indebted contractors and judgments obtained against the United States.

6. Grant payments.

E. If the operating agency holds security or collateral, the CCO has several options:

1. Where there is a surety or insurance company, the CCO should demand payment from that company unless sale of collateral is expressly required by statute or contract.

2. The CCO may also sell the collateral and apply it to the debt as provided in the security instrument unless the cost of sale is excessive compared to the value of the collateral or special circumstances require judicial foreclosure.

3. Proceeds remaining after payment of the debt and the costs of collection must be paid over to the debtor.

F. If a debtor cannot pay the debt in a single payment, the CCO may negotiate installment payments.

1. The CCO should obtain satisfactory evidence of the debtors inability to pay in a single payment. The agreement for installment payments should provide for repayment within the shortest period possible, generally not to exceed three years. All installment payment plans should include interest. If the payment plan exceeds six months, every effort should be made to reduce the agreement to writing signed by the debtor and obtain security.

2. Use an automated billing system for all payment plans where feasible.

3. Apply installment payments first to accrued interest and then to principal. When an installment payment is past due, the entire debt should become due and payable, with interest.

G. Repayment agreements should stipulate interest for late payments.

1. If a debt is to be paid in one lumpsum, a late charge should be assessed at the current prevailing rate prescribed in Part 6 of the Treasury Fiscal Requirements Manual.

2. Liability for interest or a late charge commences when the debtor is in default on payment. Generally, this is 30 days from the initial request for payment unless the debtor makes satisfactory arrangements to pay by the due date. If the debtor disputes the validity of the debt, the interest or late charge should be assessed pending resolution of the dispute. If the debtor was correct, appropriate adjustment should be made.

3. If a debt is paid in installments, the interest rate should be the rate published in the Treasury Department's monthly "Schedule of Certified Interest Rates with Range of Maturities."

4-70-70 How To Compromise Claims

A. If the CCO finds that collection in full is unlikely, the CCO should try to settle the case. Claims may be compromised:

1. When there is a bona fide dispute as to the facts or the law. The amount accepted in compromise should fairly reflect the probability of full or partial recovery in the event of litigation based upon expected testimony of witnesses, the adequacy of evidence supporting the Government's claim and other practical considerations.

2. When the cost of further collection efforts or litigation is likely to exceed the difference between the proposed compromise amount and the full amount of the claim. This criterion carriers greater weight when small claims are involved.

3. when the debtor cannot pay the full amount within a reasonable time. In determining the debtor's inability to pay, the following factors, among others, may be considered:

a. Age and health of debtor.

b. Present and potential income.

c. Inheritance prospects.

d. Possibility that assets have been concealed or improperly transferred by the debtor.

e. Availability of assets or income. If the CCO's file does not contain reasonably up-to-date credit information as a basis for evaluating a compromise proposal, the CCO should try to obtain credit information from such sources as credit bureaus, a verified statement from the individual debtor and in the case of a corporate debtor, balance sheets and profit and loss statements.

B. Discourage installment payments of a compromised amount. If installment payment is necessary based on reasonably current credit information, the CCO should enter into a compromise agreement which should provide that on default the full amount of the debt, less payments made, shall become due and payable with interest. Obtain security where possible.

C. Where there is joint and several liability for a debt, the CCO shall collect the debt as quickly as possible without allocating the burden as between debtors. A compromise with one debtor shall neither release the remaining debtors, nor determine the amount required from the other debtors jointly and severally liable on the claim.

4-70-80 How To Suspend Collection Action

A. In the event that the whereabouts of the debtor or the debtor's assets are unknown, the CCO may need to suspend collection action. Diligent efforts should be pursued to locate the missing debtor. The following sources should be utilized: telephone directories, city directories, postmasters, drivers license records, automobile title and license records, state and local government agencies, District Directors of Internal Revenue, Social Security Administration, other Federal agencies, employees, relatives, friends, and credit agency skip locator reports.

B. The CCO should make sure all efforts listed above to collect or compromise a debt have been exhausted. Collection action may be suspended temporarily where the future prospects of the debtor to repay look good or where future offset is possible. Wherever feasible, the CCO should obtain written acknowledgement of the debt, a partial payment, or a judgment to forestall application of the statute of limitations which is generally six years. The CCO should develop a system to be sure that suspended claims will always be reviewed periodically.

4-70-90 How To End Collection Action

The official who has written delegation of authority to do so may terminate collection action on claims of $20,000 or less when it becomes clear that one or more of the following circumstances is present:

A. The Government cannot collect any significant sum from the debtor and will not in the future be able to collect from the debtor, taking into account the judicial remedies available, the debtor's present and future prospects, the debtor's exemptions under State and Federal law, the age and health of the debtor, inheritance prospects, present and potential income and possibly concealed or illegally transferred assets.

B. The debt is discharged in bankruptcy.

C. The debtor has died. An effort should be made to ascertain whether the decedent left an estate, through inquiries to relatives, representatives, or clerks of probate courts. Debts should not be reported, regardless of amount, when positive evidence shows the decedent left no estate. If decedent left an estate GAO will file the formal proof of claim. (See 70.1, GAO Claims Manual for details on how to report to GAO.)

D. The corporate debtor has been dissolved and there are no corporate assets or security and the whereabouts of the officers and directors are unknown.

E. The debt is barred by the statues of limitations (28 U.S.C. 2415, 2416) and there has been no partial payment or written acknowledgement of the debt and no prospect for collecting by offset.

F. The cost of collecting will exceed recovery.

G. The claim is legally without merit or cannot be substantiated by evidence.

4-70-100 How To Refer Claims to the General Accounting Office or to the Department of Justice

A. The CCO shall refer a debt claim which is potentially collectible through legal action and which cannot be either collected after aggressive collection efforts, temporarily suspended, or terminated to the General Accounting Office or to the Department of Justice. The claim must be referred promptly, generally no later than four months from the past due date. The CCO will clear such referral with the Division of the Office of the General Counsel serving that operating agency.

B. When you refer claims to GAO, GAO requires certain specific information, set forth in Appendix A.

C. The General Accounting Office does not accept a referred claim for less than $600 exclusive of interest unless a significant policy is involved or the debtor clearly has ability to pay and no reasonable basis for refusing to pay.

D. The CCO shall preserve all records on the referred claim until the case is closed.

4-70-110 Delegation of Authority Required Under the Federal Claims Collection Act

Only one who has written delegated authority (see § 120 and § 130) may approve a compromise, suspension, or termination of a claim and then only if the claim is $20,000 or less. Resolution of claims over $20,000 requires the concurrence of GAO.

4-70-120 Delegation of Authority by the Secretary Under the Federal Claims Collection Act

A. The Secretary has delegated to the Department Claims Officer, who is the Assistant General Counsel, Business and Administrative Law Division, the authority to perform the duties and exercise the authority vested in the Secretary by the Federal Claims Collection Act of 1966, 31 U.S.C. 951-953, as amended, to collect claims in any amount; to compromise, suspend or terminate collection action in claims of $20,000 or less, exclusive of interest; and to issue rules and procedures for investigating, reporting and otherwise handling claims throughout the Department. (31 FR 16375, 12/14/66). The Department Claims Officer has redelegated this authority. As explained under B and C, there is a concurrent delegation of such authority from the Secretary to two operating agencies.

B. The Secretary has delegated to the Commission of Social Security the authority vested in the Secretary under the Federal Claims Collection Act insofar as such authority relates to the mission of the Social Administration (33 FR 5836, 5843, 4/16/68).

C. The Secretary has delegated to the Administrator of Health Care Financing Administration the authority vested in the Secretary under the Federal Claims Collection Act insofar as such authority relates to the mission of the Health Care Financing Administration (42 FR 57352, 11/2/77; 42 CFR 405.374).

4-70-130 Further Delegation of Authority by the Department Claims Officer

The authority of the Departmental Claims Officer is delegated to the following officials within the scope identified:

A. The Deputy Assistant General Counsel, Business and Administration Law Division, Office of the General Counsel (Department-wide).

B. The Chief, Litigation and Claims Branch, Business and Administrative Law Division, Office of the General Council (Department-wide).

C. The Regional Attorneys (Region-wide) except for claims relating to Titles II and XVIII of the Social Security Administration and the Public Health Service.

D. The Assistant Secretary for Health, insofar as such authority relates to the mission of the Public Health Service.

Dated: September 12, 1980.

Darrel Grinstead,

Department Claims Officer.

Appendix A—Instructions for Reporting Uncollectible Debt Claims to GAO and the Department of Justice

A. Contents of Administrative Reports

1. The debtor's full name and current address. If unknown, prior known addresses and a statement of the steps taken to locate the debtor.
2. The debtor's identifying number, if known.
3. The debtor's date of birth and social security number, if known. For business firms, the employer's identification number which corresponds to the social security number of an individual, shall be shown if obtainable.
4. All evidence necessary to support the Government's claim: a complete statement of relevant facts, including the date the debt first accrued, the date of partial payments, copies of correspondence which might acknowledge the debt, in order to possibly apply the statute of limitations (28 U.S.C. 2415); computations explaining how the amount owed was arrived at; citations to applicable laws and regulations; copies of correspondence in which the debtor has questioned his liability and copies of the Government's responses.
5. If the debtor is currently employed by the Government or serving in the uniformed services, show the actions taken to recover the amount through the agency in which the debtor is employed or serving and the results.
6. A summary of actions taken to collect or compromise the indebtedness.
7. Reasonably current credit information obtained within the last six months.

B. Where Administrative Reports Should be Sent to GAO

Reports of administratively uncollectible debts shall be mailed to the following address: Claims Division, U.S. General Accounting Office, Washington, D.C. 20548.

C. Where Administrative Reports Should be Sent to Department of Justice

When authorized to send reports of administratively uncollectible debts to the Department of Justice, they must be sent by the appropriate Office of the General Counsel to the Commercial Litigation Branch, Safeway Building, 521 12th Street, N.W., Washington, D.C. 20530.

[FR Doc. 80-28628 Filed 9-16-80; 8:45 am]

BILLING CODE 4110-12-M

INTERAGENCY WORKING GROUP ON A HAZARDOUS SUBSTANCES EXPORT POLICY

Draft Report; Extension of Comment Period

AGENCY: Interagency Working Group on a Hazardous Substances Export Policy.

ACTION: Extension of comment.

SUMMARY: The agency is extending its comment period on the draft report of the Interagency Working Group on a Hazardous Substances Export Policy which was previously published in the Federal Register of August 12, 1980 (45 FR 53754). This action is taken in response to public interest expressed in the matter and requests for an extended comment period.

DATE: Comments now due on or before October 13, 1980.

ADDRESS: Send comments to the Interagency Working Group on a Hazardous Substances Export Policy, c/o Esther Peterson, Special Assistant to the President for Consumer Affairs, 495 Old Executive Office Building, Washington, D.C. 20500.

FOR FURTHER INFORMATION CONTACT: Ed Cohen or Mark Goldberg at the Office of Consumer Affairs, at 202/456-6226 or Kitty Gilman or Jean Halloran of the Council on Environmental Quality at 202/395-5780.

Esther Peterson,

Special Assistant to the President for Consumer Affairs and Chair Interagency Working Group on a Hazardous Substances Export Policy.

[FR Doc. 80-28739 Filed 9-16-80; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Int FEIS-80-32]

Availability of Final White River Resource Area Environmental Impact Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of Interior has prepared a final environmental impact statement for proposed grazing management of the White River Resource Area, located in northwestern Colorado. The area includes a total of 1,521,806 acres of public lands administered by the Bureau of Land Management.

The proposed action is to provide an improved rangeland condition capable of supplying 182,888 animal unit months (AUMs) of forage in the short term and 229,758 AUMs within 20 years for use by big game wildlife, wild horses, and livestock on a sustained yield basis. The proposal would continue intensive grazing management of 156,471 acres, implement intensive grazing management of 1,290,554 acres, and implement less intensive grazing management of 61,941 acres.

The environmental impact statement analyzes the impacts which would result from management of livestock grazing and proposed range improvement projects which include approximately 186,000 acres of vegetation manipulations, 700 water developments, and 212 miles of fence. The proposal is scheduled for implementation over an 8-year period.

Copies of the final or draft statement are available for inspection at the following locations:

Bureau of Land Management, Room 2063, Interior Building, 18th and C Streets, NW, Washington, D.C. 20240 (Phone: 202-343-6011)

Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202 (Phone: 303-837-4481)

Bureau of Land Management, Craig District Office, P.O. Box 248, 455 Emerson Street, Craig, Colorado 81625 (Phone: 303-824-3417)

Bureau of Land Management, White River Resource Area, P.O. Box 928, 317 E. Market Street, Meeker, Colorado 81641 (Phone: 303-878-5084)

Public Libraries

Meeker Public Library, 200 Main Street, Meeker, Colorado 81641.

Craig Moffat County Library, 651 Yampa Avenue, Craig, Colorado 81625.

Rangely Public Library, 109 E. Main Street, Rangely, Colorado 81648.

Glenwood Springs Public Library, 806 Cooper, Glenwood Springs, Colorado 81601.

Conservation Library, Denver Public Library, 1357 Broadway, Denver, Colorado 80206.

County Courthouses

Rio Blanco County, Meeker, Colorado 81641.

Garfield County, Glenwood Springs, Colorado 81601.

Moffat County, Craig, Colorado 81625.

Single copies of the final statement can be obtained from the District Manager, Craig District Office; or the State Director, Colorado State Office, at the addresses listed above.

Dated: August 15, 1980.

Charles W. Luscher,

Acting State Director.

[FR Doc. 80-28630 Filed 9-16-80; 8:45 am]

BILLING CODE 4310-84-M

[Int FEIS 80-31]

Grazing Management Program for the McGregor Range Environmental Impact Statement Area, Otero County, N. Mex.; Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management (BLM) has prepared a Final Environmental Impact Statement for the proposed Grazing Management Program on McGregor Range in Otero County, New Mexico.

The public land within the McGregor Range was withdrawn by the U.S. Army in 1957 for use as an artillery and missile firing range. The Army purchased all the private land, water rights, and facilities within the McGregor boundaries. State land was exchanged for public land elsewhere in New Mexico and included in the withdrawal.

A Memorandum of Understanding between the Department of the Army and the Department of the Interior was signed in 1966, establishing a co-use area of 515,000 acres on which BLM would manage the livestock grazing and wildlife habitat. At present, livestock grazing is allowed on 271,000 acres. Grazing use is awarded to the highest bidder on 14 grazing units at a public auction held each year.

Under the proposed grazing program, grazing use would be awarded annually at public auction, utilization of key forage species by livestock and wildlife would be no more than 50 percent, and the grazing season would be from September 30 through June 30. Range improvements consisting of wells, stock tanks, pipelines, storage tanks, and troughs would be constructed to achieve more uniform forage utilization and increase the area suitable for grazing.

Following full implementation, forage available for livestock and wildlife would increase from 42,060 animal unit months (AUMs) to 57,230 AUMs and 2,953 AUMs to 4,467 AUMs, respectively. All funds expended on the management of McGregor Range would be derived from revenues received from the sale of forage.

Copies of the Final Environmental Impact Statement are availble at the Las Cruces District Office, 1705 North Valley Drive, P.O. Box 1420, Las Cruces, New Mexico 88001. Public reading copies are avaialable for review at the BLM State Office, Office of Public Affairs, U.S. Federal Building, Santa Fe, New Mexico and public and university libraries in Las Cruces, Alamogrodo, Truth and Consequences, and Albuquerque, New Mexico and El Paso, Texas.

Dated: August 28, 1980.

Larry L. Woodard,

Acting State Director.

[FR Doc. 80-28629 Filed 9-16-80; 8:45 am]

BILLING CODE 4310-84-M

National Public Lands Advisory Council; Change in Meeting Agenda

AGENCY: Bureau of Land Management, Interior.

ACTION: Agenda change in meeting of the National Public Lands Advisory Council.

SUMMARY: As announced in the Federal Register of August 22, 1980 (45 FR 56195), the National Public Lands Advisory Council will meet September 22 and 23, 1980, at the Owhyee Plaza Hotel, 1109 Main Street, Boise, Idaho. One item in the meeting agenda has been changed from the agenda as previously announced. Idaho Governor James V. Evans will address the Council and interested members of the public at the Owyhee Plaza Hotel on Sunday evening, September 21, at 7:30 p.m., prior to the Council meeting, rather than on Monday morning, September 22, as previously announced. Following Governor Evans' remarks on Sunday evening, the public is also invited to attend a slide presentation and discussion on rangeland management. All other agenda items for the Council meeting remain the same as previously announced.

Dated: September 11, 1980.

Ed Hastey,

Associate Director.

September 11, 1980.

[FR Doc. 80-28623 Filed 9-16-80; 8:45 am]

BILLING CODE 4310-84-M

Salt Lake District Advisory Council; Meeting

Notice is hereby given in accordance with Public Law 92-463, that a meeting of the Salt Lake District Advisory Council will be held on October 8, 1980.

The meeting will begin at 10:00 a.m. in Woodruff, Utah. Council members will tour Public Lands in Rich County.

The purpose of the meeting will be to review the Randolph Habitat Management Plan and make recommendations to the District Manager concerning specific issues in the plan. The council will also consider the impacts of oil and gas development in the county.

The meeting is open to the public. Interested persons may make oral statements at 4:00 p.m. on October 8 at the Randolph Field Camp in Randolph, Utah, or file written statements for the council's consideration. Anyone wishing to make oral statements must notify the District Manager, 2370 South 2300 West, Salt Lake City, Utah 84119 by wishing to make a statement, a per person time limit may be established by the District Manager.

Dated: September 5, 1980.

Frank W. Snell,

District Manager.

[FR Doc. 80-28657 Filed 9-16-80; 8:45 am]

BILLING CODE 4310-84-M

Minnesota; Final Intensive Wilderness Inventory Decision

The purpose of this notice is to announce the final intensive wilderness inventory decision on 174 islands in Minnesota, under the authority of Section 603 of the Federal Land Policy and Management Act and in accordance with the guidelines in the September 27, 1978, BLM *Wilderness Inventory Handbook* and Organic Act Directive No. 78-61, Change 3.

By publication in the May 20, 1980 **Federal Register**, BLM announced the beginning of a 90-day public review and comment period on 174 island inventory units in Minnesota, encompassing approximately 701.21 acres. The public comment period ended on August 18, 1980. During the public comment period, a report *Proposed Intensive Wilderness Inventory Decision-Minnesota Islands* was published and distributed, press releases encouraged public response, and a public meeting was held at Grand Rapids, Minnesota. All comments, whether presented verbally or in writing, were equally considered. They have been read, recorded and analyzed. Records of the intensive wilderness inventory, including maps, and public comments received are available at the Lake States Office, Bureau of Land Management, 125 Federal Building, Duluth, Minnesota 55802.

The following units proposed to be dropped from further study in the May 20, 1980 **Federal Register**, are no longer subject to wilderness review because they were found to lack wilderness characteristics:

Units and total acres	
174 islands	701.21

The islands are located in 26 counties throughout Minnesota in 11 rivers and 47 lakes.

In making the decision, each island inventory unit was considered individually and separately from other island inventory units. This final intensive wilderness inventory decision will become effective on October 17, 1980, unless timely protests are received by the Eastern States Director.

Persons wishing to protest this decision must file a written protest with the Eastern States Director, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, on or before October 17, 1980, at 4:00 p.m., Eastern Time. Only those protests received by the Eastern States Office by the time and date specified will be accepted.

The protest must specify the inventory unit(s) to which it is directed. It must include a clear and concise statement of the reasons for the protest, as well as data to support the reasons stated.

At the conclusion of the protest period, the Eastern States Director will publish in the **Federal Register** a notice of those decisions that were not protested and therefore have become final, and those decisions which are under formal protest. The notice will identify those inventory units under protest and will announce that the decision on the units will not become final pending a decision on the protest and any resulting appeal.

The Eastern States Director will issue a written decision on any protest which is filed according to the above requirements and will publish a notice in the **Federal Register** of the action taken in response to the protest.

Any person adversely affected by the Eastern States Director's decision on a written protest, may appeal such decision under the provisions of 43 CFR Part 4.

For additional information, contact: Eastern States Director, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, telephone (703) 235-2840; or Manager, Lake States Office, Bureau of Land Management, 125 Federal Building, Duluth, Minnesota 55802, telephone (218) 727-6692, Extension 378.

Roger L. Hildebeidel,

Eastern States Director.

[FR Doc. 80-28470 Filed 9-16-80; 8:45 am]

BILLING CODE 4310-84-M

Office of Surface Mining Reclamation and Enforcement

Determination of Valid Existing Rights Within Monongahela National Forest

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior, Washington, D.C. 20240.

ACTION: Decision on Mower Lumber Company's request for determination of valid existing rights to conduct underground coal mining operations in the Upper Shavers Fork Sub-Unit of the Monongahela National Forest, in Randolph County, West Virginia.

SUMMARY: The Mower Lumber Company is seeking a determination that its proposed underground coal mining operations on Federal lands in the Monongahela National Forest are not prohibited or limited by Section 522(e) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1272(e)). Specifically, Mower Lumber Company has requested the Director of OSM to determine that the Company has "valid existing rights" under that Section of the Act. Having given notice of his preliminary finding and solicited public comments thereon, the Director is issuing his final decision that Mower has established valid existing rights.

SUPPLEMENTARY INFORMATION: On August 7, 1980, OSM published at 45 FR 52467 the preliminary finding of the Director determining that Mower Lumber Company has "valid existing rights," as that term is used in Section 522(e) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1272(e)), at five mines located on Federal lands in the Monongahela National Forest in Randolph County, West Virginia. In the explanation of that preliminary decision, OSM solicited public comments on the substance of the proposed finding and specifically solicited information on methods of determining the exact geographical extent of the valid existing rights.

Comments on this proposal were received from the Mower Lumber Company and the Highlands Conservancy. None of the information submitted provided a basis for any substantive change in the Director's original opinion. Therefore, the Director has reached the decision that Mower possesses valid existing rights at five mines known as Linan Nos. 1, 2 and 3 and Mower Nos. 1 and 2, as reflected in the letter below. However, because review of evidence which will lead to a precise determination of the geographical extent of the VER is not yet complete, the decision reserves the right to define these parameters in a supplemental finding. The finding issued today will allow Mower, upon compliance with all other permitting requirements of appropriate State, Federal and local authorities, to commence production at the five mines involved without a compatibility determination as may otherwise be required under Section 522(e)(2) of the Act for mining on Federal lands in national forests.

The Highlands Conservancy commented that the geographical extent of the VER should be precisely defined. OSM agrees with this comment. OSM considers that Mower's valid existing rights must have the same geographical extent as the mining that was contemplated by the parties at the time Mower acquired its rights. OSM has worked closely with the Forest Service and Mower to secure complete documentation of the mines which Mower and its lessees planned to open almost ten years ago. One difficulty in determining geographical limits in this case comes from the limited information on each mine required by Forest Service operating plans in the early 1970's. The areas of actual surface disturbance at each mine, such as face-up area, haul roads, sedimentation ponds, storage areas, rail sidings, etc., have been easy to determine from maps attached to the operating plan applications. However, Mower was not required to show the complete extent of the underground workings at any of the mines. The Forest Service only requested that the company show the planned extent of mining during six-month intervals.

Because of these difficulties, OSM proposed two options in determining geographical extent of VER in its notice on August 7, 1980 (45 FR 52468). Under the first alternative, the VER for the actual surface disturbance, face-up, haul roads, etc., would be precisely defined, but the company would be free to deep mine as much coal from the permitted seam(s) as could be reasonably reached by current mining methods using the precisely limited surface disturbances. Under the second alternative, precise geographical limits would be set for both the surface and underground workings.

OSM has decided to reserve the right to use either or both of these alternatives in any particular case because the geographical limits of VER will depend on the evidence available. The Office is not unmindful of the fact that as a result of limited State and Federal regulation prior to the passage of the Act, there is a limited amount of information relevant to a precise definition of the extent of VER. While the second alternative is preferable and precise geographical limits will be determined wherever possible, there may be cases where such a determination is impossible. In those cases, the first alternative would have to be used.

OSM, with the aid of Mower and the Forest Service, has been able to determine precisely both the surface and underground limits of the Mower Nos. 1 and 2 mines. These are both relatively small mines (approximately 150 acres or less) and their entire extent was delineated on maps submitted to the Forest Service. However, the Linan mines have proved more difficult to define because their extent is not shown or described on any maps or narrative yet found. OSM will continue working with all parties in order to come to a prompt decision on the exact limits of the VER for these mines. However, in order that Mower's planned mining operations not be unduly delayed pending a final resolution of the evidenciary problem, the Director's decision generally affirms that Mower does indeed possess VER at the five mines in questions, but reserves decision on the exact geographical extent of the VER at all of the mines. The six-month projections of planned mining at each of the mines are obviously well within the total area of VER for each mine. Although this six-month figure cannot be taken as a limitation on Mower's right to mine beyond that time, it should allay concerns that the mining will intrude on the potentially prohibited areas prior to OSM's final decision on geographic limits of VER. OSM will continue to accept from any person information concerning the geographical extent of the Linan mines. Such information should be forwarded to the Regional Director, Office of Surface Mining, 950 Kanawha Blvd., East, Charleston, West Virginia 25301.

The Highlands Conservancy also expressed doubt that Mower had VER at any of the mines because development of the mines was not "in full swing." OSM cannot agree with the comments. The determination of VER has been governed by OSM's regulations in 30 CFR Part 761, as modified by subsequent court rulings. As explained in the letter below, Mower has met all of the tests necessary under the regulations to establish its valid existing rights. OSM has been presented with no evidence that contradicts the findings leading to its preliminary determination of VER.

Mower presented comments reiterating claims to VER for their entire 28,000 acre mineral estate. As set out in letter below, the Director's decision extends only to five mine sites within Mower mineral estate. The status of VER on the remainder of the mineral estate will depend upon future findings and determinations as discussed above.

Mower also stated that if OSM persisted in limiting its VER determination, then a general finding of VER at least as to the five mines should be made immediately so as not to further delay Mower's planned mining. As previously discussed, OSM has decided to follow this course of action.

Thus, the following letter reflects the Director's decision in this matter and has been forwarded to the addressee.

Dated: September 11, 1980.

Paul L. Reeves,

Acting Director.

Mr. Richard A. Flye, Sellers, Conner & Cuneo,
1625 K Street, N.W., Washington, D.C.
20006.

Re: The Mower Lumber Company.

Dear Mr. Flye:

I have reached a final decision on your request of March 14, 1980, written on behalf of your client, Mower Lumber Company, for certain determinations pursuant to Section 522(e) of the Surface Mining Control and Reclamation Act of 1977, relating to Mower's planned underground mining activities on Federal lands in the Upper Shavers Fork Sub-Unit of the Monongahela National Forest in Randolph County, West Virginia. Our analyses and determination of the existence of valid existing rights for Mower's mining operations are described below:

Legal Requirements

Section 522(e) of the Act states:

"After the enactment of this Act and subject to valid existing rights no surface coal mining operations except those which exist on the date of enactment of this Act shall be permitted . . . (2) on any Federal lands within the boundaries of any national forest (proviso omitted). . . ."

Further, 30 CFR 761.5(a) defines "valid existing rights" as

"(a) Except for haul roads,

(1) Those property rights in existence on August 4, 1977, that were created by a legally binding conveyance, lease, deed, contract or other document which authorizes the applicant to produce coal by a surface coal mining operation; and

(2) The person proposing to conduct surface coal mining, operations on such lands either

(i) Had been validly issued, on or before August 3, 1977, all State and Federal permits necessary to conduct such operations on those lands, or

(ii) Can demonstrate to the regulatory authority that the coal is both needed for, and immediately adjacent to, an on-going surface coal mining operation for which all permits were obtained prior to August 3, 1977.

(b) For haul roads, valid existing rights means:

(1) A recorded right-of-way, recorded easement or a permit for a coal haul road recorded as of August 3, 1977, or

(2) Any other road in existence as of August 3, 1977."

The "all permits" requirement of 30 CFR 761.5(a)(2)(i) was later modified by an opinion rendered by Judge Flannery in *In re Permanent Surface Mining Regulation Litigation*, No. 79-1114, February 26, 1980, such that ". . . a good faith attempt to obtain all permits before the August 3, 1977 cut-off date should suffice for meeting the all permits test." Slip opinion at 17-18.

Mower Lumber Company has not requested a determination under 30 CFR 761.5(a)(2)(ii). As a result, the Company will qualify for valid existing rights if it possesses a valid conveyance, lease or other document (30 CFR 761.5(a)(1)) and all required permits for operation or can show a good faith attempt to secure all permits prior to August 3, 1977 (30 CFR 761.5(a)(2)(i) and (b)(1)).

Conveyance of Right to Mine

The area within the scope of Mower's request was previously owned by the West Virginia Pulp and Paper Company. On December 10, 1936, the West Virginia Pulp and Paper Company, by two separate deeds, conveyed the relevant tracts of land to the United States, reserving for 40 years from the 15th day of August, 1935, the right to extract minerals under the land. The deed also stated that at the end of the 40-year period the parcel would revert to fee simple ownership by the United States unless the minerals had been actively extracted for an average of 50 days over the preceding five years. If the minerals were being extracted, then the deed called for automatic five-year extensions of the mineral reservation. The 40-year period was originally scheduled to expire on August 15, 1975. On August 18, 1943, West Virginia Pulp and Paper Company conveyed its mineral rights to F. Edwin Mower. On September 17, 1943, F. Edwin Mower conveyed these rights to the Mower Lumber Company. Underground mining on these tracts began in the 1940's and continued until the 1960's.

It is my conclusion that the aforementioned documents validly conveyed to the Mower Lumber Company the right to the coal under these Federal lands and that they contemplated that the coal would be mined by underground methods, as is seen from the actual mining which took place for approximately 30 years. Therefore, the first element of 30 CFR 761.5(a)(1) is satisfied.

All Permits Test

The next question is whether on August 3, 1977, Mower possessed all permits required to conduct mining operations, or had made a good faith effort to obtain such permits prior to that date. During the late 1960's and early 1970's Mower and its lessees mined, or made preparation to mine, five separate underground sites. The three sites on Shavers Fork were known as Linan Nos. 1, 2 and 3, while two sites on Glade Run were known as Mower Nos. 1 and 2.

At the present time, Mower is attempting to begin mining at two sites knows as Enviro No. 1 and Enviro No. 2. Enviro No. 1 is the same mine as Mower No. 2, and Enviro No. 2 is the same mine as Linan No. 2. Mower has already received permits and authorizations to operate these mines from West Virginia Department of Natural Resources (DNR) Recalamation Division, DNR Water Resources Division and the U.S. Forest Service. Applications for other permits have been made and are presently pending before the Environmental Protection Agency (EPA) and the West Virginia Department of Mines.

All of these permit applications outlined above were made after August 3, 1977, and could not in an of themselves constitute valid existing rights. It is the activities of Mower at the same sites prior to August 3, 1977, which must vest Mower with valid existing rights. On March 2, 1973, Mower entered into a moratorium agreement with the Federal government whereby Mower agreed to suspend its mining operations in the entire upper Shavers Fork Sub-Unit area until September 2, 1978, in order to allow the Forest Service to develop an environmental impact statement concerning all contemplated development in the watershed, including coal mining. The moratorium agreement also acted to toll the running of Mower's 40-year period within which to develop the mineral resources of the area under the terms of the 1936 deed to the United States. At pages 2 and 3 of the moratorium agreement it is stated:

"It is in the interest of the United States that mining operations in the reserved minerals be suspended as hereinafter provided pending completion of the environmental impact statements, the mineral survey and the Shavers Fork unit plan . . ."

"2. The United States hereby extends the forty (40) year mineral reservation contained in each of said deeds to the United States and in said condemnation judgement to Midnight, August 15, 1982, and waives performance by Mower all acts necessary to preserve title to the Reserved Minerals in Mower during the period of suspension from September 3, 1971 to September 2, 1978, inclusive, and agrees that title to the Reserved Minerals is now and will remain vested in Mower until Midnight, August 15, 1982."

Since the August 3, 1977 cut-off date for valid existing rights occurred during the pendancy of the moratorium, Mower's valid existing rights, if any, must be determined by its actions to obtain permits prior to the moratorium.

Because of the proliferation of regulatory programs affecting coal mining prior to the passage of the Surface Mining Control and Reclamation Act, the types of permits required for operation of a mine in West Virginia varied according to the date the mining was contemplated to begin. Because Mower originally applied for approval to mine in the early 1970's, the actions of the following State and Federal agencies were relevant.

(1) Since 1905, the West Virginia Department of Mines has required a license to operate a deep mine. In 1958 the statute, *W. Va. Code*, Section 22-2-63, was amended to require an identification number for deep mines. In 1971 the subsection (a) of this statute was again amended to require "prior approval" by the Director of the Department

before a mine could be opended. In 1976, subsection (e) and (g) of the statute were amended to require the posting of a reclamation bond to cover surface disturbance at deep mines and vest the West Virginia Department of Natural Resources (DNR), Reclamation Division, with jurisdiction over reclamation and restoration of deep mine sites.

(2) Pursuant to *W. Va. Code*, Section 20–5A–5, in 1969 the West Virginia DNR, Water Resources Division, received the power to require permits for point source discharges of industrial wastes, which included discharges from coal mines.

(3) In addition to State permits, all mining operations in national forests had to receive authorization to operate from the Forest Service pursuant to the 1911 Rules of the Secretary of Agriculture and their successor, 36 CFR Part 251.

Prior to the moratorium agreement, Mower had obtained permits or authorizations to operate the Linan Nos. 1, 2 and 3 mines from the West Virginia Department of Mines, and the West Viriginia DNR, Water Resources Division. Mower also applied for Forest Service authorization, and on September 2, 1971, the operating plan for Linan No. 1 was approved. However, on the same date the Forest Service informed Mower that a Federally-funded mineral evaluation study and environmental study prescribed by the National Environmental Policy Act of 1969 should be completed before the operating plans for Linan Nos. 2 and 3 were approved. Although Linan No. 1 possessed all necessary authorizations to operate, Mower decided not to put the mine into production until approval was received from the U.S. Forest Service to operate Linan Nos. 2 and 3 mines.

Prior to the moratorium agreement, Mower had received permits and authorizations to operate Mower Nos. 1 and 2 mines from the West Virginia Department of Mines and the Forest Service. As in the case of the Linan mines, the Forest Service approved the operating plan for Mower Nos. 1 and 2 and then decided to prepare an extensive environmental impact statement on the entire watershed area. Mower also applied for permits from the West Virginia DNR, Water Resources Division, on March 23, 1972. After requesting and receiving additional information from Mower, the division took no action on the permit application prior to the moratorium.

Haul road locations were included in the proposals for each mine, along with extensive plans concerning construction and maintenance of these roads. Prior to the moratorium agreement, Mower and its lessees actually built most of the planned roads to gain access to the mine sites and conduct face-up operations. After the moratorium agreement was signed, these road beds were re-seeded and temporarily closed.

Even though Mower did not actually possess each and every permit required to operate the mines, it is my decision that Mower Lumber Company had made a good faith effort to obtain all such permits and to put its mines into actual operation prior to August 3, 1977. Based upon all available information, including public comments received in response to my preliminary finding published at 45 Fed. Reg. 52467 (August 7, 1980), I conclude that Mower has "valid existing rights" as to these five mines, and their associated haul roads. However, OSM reserves the right to define the precise geographical parameters of the valid existing rights for these mines in a supplemental decision. It should be understood that we have not determined at this time whether valid existing rights would extend to the entire 28,000 acre mineral estate. When this determination is made, you will be notified.

This decision does not constitute agreement with, or a favorable decision on, all of the statements and arguments in Mower's request. Nevertheless, this decision finding the existence of valid existing rights means that the Company need not seek a determination of compatibility with values pursuant to Section 522(e)(2) of the Surface Mining Act and 30 CFR 761.12(c) prior to commencing operations at these five mines. The Company must still comply with the permitting and performance standards requirements of the interim and permanent Federal lands program, 30 CFR Part 211 and 30 CFR Parts 740–744, respectively.

Sincerely,

Dated: September 5, 1980.

Paul Reeves,

Acting Director.

[FR Doc. 80–28645 Filed 9–16–80; 8:45 am]

BILLING CODE 4310–05–M

Water and Power Resources Service

[Int FES 80–33]

New Melones Unit, Central Valley Project, Calif.; Notice of Availability of Final Supplement to the Final Environmental Statement on Basin Alternatives, Water Allocations, and Reservoir Operations, New Melones Lake, Stanislaus River, Calif.

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final supplemental statement on the environmental impacts for use of New Melones Reservoir water supply along with alternative operating conditions. The preferred alternative plan would include the authorized project with 2,400,000 acre-feet New Melones Reservoir (water surface elevation of 1,088 feet) with basin 2 as the Stanislaus River Basin area. The principal alternatives discussed are: recommended plan and six alternative plans that include combinations of the operation of the authorized full New Melones Reservoir along with three other storage operating levels and three Alternative Stanislaus River Basin areas and adjacent service area.

Copies are available for inspection at the following locations:

Director, Office of Environmental Affairs, Water and Power Resources Service, Department of the Interior, 18th and C Streets, NW., Room 7620, Washington, DC 20240, Telephone (202) 343–4991.

Division of Management Support, Library Branch, Code D–950, E&R Center, Denver Federal Center, Denver, CO 80225, Telephone (303) 234–3019.

Office of the Regional Director, Water and Power Resources Service, 2800 Cottage Way, Sacramento, CA 95825, Telephone (916) 484–4792.

Single copies of the final statement may be obtained on request to the Director, Office of Environmental Affairs or the Regional Director at the above addresses. Please refer to the statement number above.

Dated: September 12, 1980.

James H. Rathlesberger,

Special Assistant to Assistant Secretary of the Interior.

[FR Doc. 80–28758 Filed 9–16–80; 8:45 am]

BILLING CODE 4310–09–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Housing Guaranty Program for Liberia; Information for Lenders

The Agency for International Development (A.I.D.) has authorized a guaranty of a loan in an amount not to exceed Five Million Dollars ($5,000,000) to finance a low income housing project in the Republic of Liberia. Eligible investors as defined below are invited to make proposals to the National Housing and Savings Bank of Liberia (Borrower). The full repayment of the loan will be guaranteed by A.I.D. The A.I.D. guaranty will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority in Section 222 of the Foreign Assistance Act of 1961, as amended (the Act).

This project is referred to as Project No. 669–HG–002.

Lenders (investors) eligible to receive an A.I.D. guaranty are those specified in Section 238(c) of the Act. They are: (1) U.S. citizens; (2) domestic U.S. corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and (4) foreign partnerships or associations wholly owned by U.S. citizens.

Selection of an eligible investor and the terms of the loan are subject to approval by A.I.D. The investor and

A.I.D. shall enter into a Contract of Guaranty, covering the loan. Disbursements under the loan will be subject to certain conditions required of the borrower by A.I.D. as set forth in an implementation agreement between A.I.D. and the borrower.

To be eligible for guaranty, the loan must be repayable in full no later than the thirtieth anniversary of the first disbursement of the principal amount thereof and the interest rate may be no higher than the maximum rate established from time to time by A.I.D. The Borrower projects a disbursement of $2.5 million between October 15, 1980 and December 15, 1980 and a disbursement of $2.5 million between August 1, 1981 and September 30, 1981.

The borrower desires to receive proposals from eligible investors as defined above. The proposls should be based on the indicated disbursement schedules shown above. Since investor selection will be made on the basis of the proposals, the proposals should contain the best terms to be offered by investors. The proposals should state:

A. The fixed interest rate per annum for a period not to exceed thirty (30) years from the first disbursement.

B. The grace period for repayment of principal; such period not to exceed ten (10) years.

C. The minimum time during which prepayment of principal will not be accepted.

D. The investor's commitment or service fee, if any, and schedule of payment of such fee.

E. The period during which the proposal may be accepted which shall be at least forty-eight (48) hours after the closing date specified below.

The proposal may state other terms and conditions which the investor desires to specify. After investor selection by the borrower and approval by A.I.D., the borrower and investor shall negotiate all other terms and conditions of the Loan Agreement.

In the event the investor will engage in the reselling of the loan to other persons, the investor must provide for the servicing of his loan, i.e., recordation and disposition of loan payments received from the borrower.

The closing date by which prospective investors are required to submit proposals to the borrower is by Noon (EDT) on Tuesday, October 7, 1980. Negotiation of the Loan Agreement and Contract of Guaranty is expected to take place in Washington, D.C. in October, 1980.

Eligible investors are invited to consult promptly with the borrower. Those investors interested in extending a loan to the borrower should communicate with the borrower at the following address: Mr. Hilary A. Dennis, President, National Housing and Savings Bank, P.O. Box 818, Monrovia, Liberia, Telephone: 222-402 or 221-283, Telex: 4337.

Information as to the eligibility of investors and other aspects of the A.I.D. housing guaranty program can be obtained from: Director, Office of Housing, Agency for International Development, Room 625, SA/12, Washington, D.C. 20523, Telephone: (202) 632-9637.

To facilitate A.I.D. approval, copies of proposals made to the borrower may, at the investor's option, be sent to A.I.D. at the above address on or after the closing date noted above.

This notice is not an offer by A.I.D. or by the borrower. The borrower and not A.I.D. will select an investor and negotiate the terms of the proposed loan.

Dated: September 12, 1980.

David McVoy,

Assistant Director for Operations, Office of Housing.

[FR Doc. 80-28652 Filed 9-16-80; 8:45 am]

BILLING CODE 4710-02-M

Joint Committee for Agricultural Development of the Board for International Food and Agricultural Development, Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a), (2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the meeting of the Joint Committee on Agricultural Development (JCAD) of the Board for International Food and Agricultural Development (FIFAD) on October 14 and 15, 1980.

The purpose of the meeting is to receive reports from the following working groups: Regional, JCAD Guidelines, Registry of Institutional Resources, Professional Personnel Roster, and Women in Development; to receive report on the East Africa Drought Seminar; and review status of TSM and Dual Path Career Appointments.

The meeting on October 14, 1980 will convene from 9:00 a.m. to 12:00 p.m. in the form of Regional Work Groups: Africa RWG in Room 2941, New State Department Building, Washington, D.C. 20523 (Mr. Lane E. Holdcroft, A.I.D. Federal Designee for this meeting can be contacted at (202/632-3650)); Latin America RWG in Room 2242 New State Department Building (Mr. Blair Allen, A.I.D. Federal Designee for this meeting can be contacted at (202/632-8126)); Near East RWG in Room 6484 New State Department Building (Mr. Keith Sherper, A.I.D. Federal Designee for this meeting can be contacted at (202/632-9256)); and the Asia RWG in Room 609 Rosslyn Plaza "C" Building, 1601 North Kent Street, Rosslyn, Virginia (Mr. David Lundberg, A.I.D. Federal Designee for this meeting can be contacted at (703/235-8870)). The Full JCAD Committee will convene on October 14 from 1:00 p.m. to 5:00 p.m. at the Holiday Inn, Dynasty Room, 1850 N. Fort Meyer Drive, Arlington, Virginia 22209. The Full JCAD Committee will meet also on October 15 from 9:00 to 1:00 p.m. at the Holiday, Inn, Dynasty Room, 1850 N. Fort Meyer Drive, Arlington, Virginia 22209. The meetings are open to the public. Any interested person may attend, may file written statements with the Committee before or after the meetings; or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meetings permit.

It is suggested that those desiring further information write to Mr. Robert G. Huesmann in care of the Agency for International Development, BIFAD Support Staff, Department of State, Washington, D.C. 20523, or telephone him at (202)632-7937.

Dated: September 12, 1980.

Robert G. Huesmann,

Chief, Country Programs Division Board for International Food and Agricultural Development Support Staff.

[FR Doc. 80-28698 Filed 9-16-80; 8:45 am]

BILLING CODE 4710-02-M

Joint Research Committee of the Board for International Food and Agricultural Development; Meeting

Pursuant to Executive Order 11769 and the provisions of Sections 10(a), (2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the thirty-fifth meeting of the Joint Research Committee (JRC) of the Board for International Food and Agricultural Development (BIFAD) on October 14 and 15, 1980.

The purpose of the meeting is to: further consider research needs for (a) developing low-energy technology for agricultural productions in LDCs, (b) use of alternate energy-saving food plants (crops) for LDC production, (c) use of alternate varieties of plants and trees as renewable energy sources in diversified farming systems, and (d) other energy-related research needs for agriculture producers in developing countries; review the role of the Joint Research Committee and its method of operations and relating to the Agency for International Development in agriculture (including fisheries), rural development, and nutrition; consider action for reassessing Title XII research priorities; review proceedings of the workshop on experience in planning and implementing collaborative research support programs (CRSP's); consider recommendations on research on animal health; and review progress of planning and implementing CRSP's on: (1) marginal nutritional deficiencies in human diets, (2) peanuts, (3) integrated crop protection, (4) small ruminant animals, (5) management of tropical soils, and (6) fisheries/aquaculture.

The meeting will convene at 9:00 a.m. and adjourn at 5:00 p.m. on October 14 and 15, 1980. The meeting will be held at the Holiday Inn, Dynasty Room, 1850 N. Fort Meyer Drive, Rosslyn, Virginia 22209. The meeting is open to the public. Any interested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Mr. William F. Johnson, BIFAD Support Staff is the designated A.I.D. Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, BIFAD Support Staff, Department of State, Washington, D.C. 20523, or telephone him at (202) 632-7935.

Dated: September 10, 1980.

William F. Johnson,

A.I.D. Advisory Committee Representative, Joint Research Committee, Board for International Food and Agricultural Development.

[FR Doc. 80-28699 Filed 9-16-80; 8:45 am]

BILLING CODE 4710-02-M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperatives; Notice to the Commission of Intent To Perform Interstate Transportation for Certain Nonmembers

Dated: September 12, 1980.

The following Notices were filed in accordance with section 10526 (a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change. The name and address of the agricultural cooperative, the location of the records, and the name and address of the person to whom inquiries and correspondence should be addressed, are published here for interested persons. Submission of information that could have bearing upon the propriety of a filing should be directed to the Commission's Bureau of Investigations and Enforcement, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

(1) Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Hungry Valley Trucking, Inc.
Principal Mailing Address (Street No., City, State, and Zip Code): P.O. Box 864, Rialto, CA 92376.
Where Are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): 406 B St., Fayetteville, NC 28302.
Person to Whom Inquiries and Correspondence Should be Addressed (Name and Mailing Address): Robert Ashburn, 1442 Olive Ave., Rialto, CA 92376.
(2) Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Missosuri Farmers Association, Inc.
Principal Mailing Address (Street No., City, State, and Zip Code): 201 South Seventh Street, Columbia, MO 65201.
Where Are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): 201 South Seventh Street, Columbia, MO 65201.
Person to Whom Inquiries and Correspondence Should be Addressed (Name and Mailing Address): Dale E. Bolander, 201 South Seventh Street, Columbia, MO 65201.
(3) Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: P.T.L. Lines, Inc.
Principal Mailing Address (Street No., City, State, and Zip Code): P.O. Drawer 3310, Lake Wales, FL 33853.
Where Are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): West Central Avenue, P.O. Drawer 3310, Lakes Wales, FL 33853.
Person to Whom Inquiries and Correspondence Should be Addressed (Name and Mailing Address): Jack Piercer, Suite 1200, 1000 Connecticutt Ave., NW., Washington, DC.
(4) Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Southern Farm Association, Inc.
Principal Mailing Address (Street No., City, State, and Zip Code): 443 Elmwood Ave., Gadsden, AL 35903.
Where Are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): 443 Elmwood Ave., Gadsden AL 35903.
Person to Whom Inquiries and Correspondence Should be Addressed (Name and Mailing Address): Dickie Fowler, Rt. 8, Gadsden, AL 35904.
(5) Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Sundance Enterprises, Inc.
Principal Mailing Address (Street No., City, State, and Zip Code): 206 W. Duarte St., Brawley, CA 92227.
Where Are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): 206 W. Duarte St., Brawley, CA 92227.
Person to Whom Inquiries and Correspondence Should be Addressed (Name and Mailing Address): Andrea Kinner, 206 W. Duarte St., Duarte CA 92227.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-28636 Filed 9-16-80; 8:45 am]

BILLING CODE 6450-01-M

[Finance Docket No. 29254]

Somerset Railroad Corp.—Construction and Operation—of a Line of Railroad in Niagara County, N.Y.

AGENCY: Interstate Commerce Commission (ICC), Office of Policy and Analysis, Energy and Environment Branch.

ACTION: Notice of change in due date for comments filed on draft environmental impact statement (DEIS).

SUMMARY: On September 5, 1980 the Environmental Protection Agency caused to be published in the **Federal Register** a notice that the DEIS prepared by the ICC in the above-entitled proceeding was available. That notice incorrectly listed the due date for comments filed on the DEIS as November 3, 1980. The 45-day period during which comments may be filed on the DEIS actually closes on October 20, 1980. All interested persons are advised that comments on the DEIS received after October 20, 1980 may not be considered.

FOR FURTHER INFORMATION CONTACT: Carole Dawkins or Steve Botts, Room 5377, Energy and Environment Branch, Interstate Commerce Commission, Washington, D.C. 20423, Telephone (202) 275-7916.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-28637 Filed 9-16-80, 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 C.F.R. 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control fitness, water carrier dual operations, or jurisdictional questions) we find, prelimilarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed on or before November 3, 1980 (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. On or before November 17, 1980, an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPI–029

Decided: Sept. 4, 1980.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman.

MC 115331 (Sub-547F), filed August 26, 1980. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, MO 63131. Representative: J. R. Ferris, 11040 Manchester Rd., St. Louis, MO 63122. Transporting (1) *lime and limestone,* and (2) *cement,* in bags, from Alabaster, Allgood, and Siluria, AL, to points in AR, FL, GA, KY, LA, MS, NC, OK, SC, TN, and TX.

MC 115841 (Sub-771F), filed August 26, 1980. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., McBride Lane, PO Box 22168, Knoxville, TN 37922. Representative: Richard L. Hollow (same address as applicant). Transporting *such commodities* as are dealt in by retail department stores (except commodities in bulk), from Statesville, NC, to points in St. Louis County, MO.

MC 125951 (Sub-66F), filed August 26, 1980. Applicant: SILVEY REFRIGERATED CARRIERS, INC., 7000 West Center Road—Suite 325, Omaha, NE 68106. Representative: Robert M. Cimino (same address as applicant). Transporting *such commodities* as are dealt in by retail department stores, between Omaha, NE on the one hand, and, on the other, points in the U.S.

MC 139171 (Sub-8F), filed August 26, 1980. Applicant: CONTROLLED DELIVERY SERVICE, INC., 17295 East Railroad Avenue, City of Industry, CA 91749. Representative: Robert L. Cope, Suite 501, 1730 M St., NW., Washington, DC 20036. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S., under continuing contract(s) with Piggy Back Shippers Association of Florida, Inc., of Miami, FL.

Volume No. OP1–030

Decided: Sept. 10, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 200 (Sub-489F), filed September 3, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *such commodities* as are dealt in by retail shoe stores, between points in Hillsborough County, NH, Hudson County, NJ, New York County, NY, and Suffolk County, MA, on the one hand, and, on the other, points in Scott County, MO, and Shelby County, TN.

MC 200 (Sub-490F), filed September 8, 1980. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the U.S., restricted to traffic originating at or destined to the facilities used by W. W. Grainger, Incorporated.

MC 35320 (Sub-608F), filed September 4, 1980. Applicant: T.I.M.E.–DC, Inc., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). *Over regular routes,* transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Pittsburgh and State Line, PA, from Pittsburgh over U.S. Hwy 30 to junction PA Hwy 16, then over PA Hwy 16 to junction U.S. Hwy 11, then over U.S. Hwy 11 to State Line, and return over the same route, serving no intermediate points, and (2) between Pittsburgh and Philadelphia, PA, over U.S. Hwy 30, serving no intermediate points, as alternate routes for operating convenience only.

Note.—Applicant intends to tack this authority with its existing regular-route authority.

MC 35320 (Sub-609F), filed September 4, 1980. Applicant: T.I.M.E.–DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). *Over regular routes,* transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Memphis, TN, and Decatur, AL, from Memphis over U.S. Hwy 72 to junction Alternate U.S. Hwy 72, then over Alternate U.S. Hwy 72 to Decatur, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

Note.—Applicant intends to tack this authority with its existing regular-route authority.

MC 35320 (Sub-610F), filed September 4, 1980. Applicant: T.I.M.E.–DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). *Over regular routes,* transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Milwaukee, WI, and Denver, CO, from Milwaukee over Interstate Hwy 94 to junction U.S. Hwy 151, then over U.S. Hwy 151 to junction Interstate Hwy 76, then over Interstate Hwy 76 to Denver and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

Note.—Applicant intends to tack this authority with its existing regular-route authority.

MC 35320 (Sub-611F), filed September 4, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). *Over regular routes,* transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Pittsburgh, PA, and Cincinnati, OH, from Pittsburgh over Interstate Hwy 79 to junction Interstate Hwy 70, then over Interstate Hwy 70 to Columbus, OH, then over Interstate Hwy 71 to Cincinnati, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

Note.—Applicant intends to tack this authority with its existing regular-route authority.

MC 47171 (Sub-181F), filed September 2, 1980. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between those points in the U.S. in and east of MN, IA, MO, AR, and LA, restricted to traffic originating at or destined to the facilities used by Champion International Corporation its divisions and subsidiaries.

MC 47171 (Sub-182F), filed September 2, 1980. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between those points in the U.S. in and east of MN, IA, MO, AR, and LA, restricted to traffic originating at or destined to the facilities used by International Paper Company, its divisions, and subsidiaries.

MC 52460 (Sub-281F), filed August 27, 1980. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, 1420 W. 35th St., Tulsa, OK 74107. Representative: William L. Tipton (same address as applicant). Transporting (1) *home heating and air conditioning equipment, and recreational goods and supplies,* and (2) *materials and supplies* used in the manufacture of the commodities in (1) above, between the facilities of The Coleman Company, Inc., at or near (a) Wichita, KS, and (b) New Braunfels, TX, on the one hand, and, on the other, points in AL, AZ, CO, FL, GA, IL, IN, IA, KS, KY, LA, MD, MS, MO, NM, NC, OK, SC, TN, TX, VA, WV, and those in and south of San Luis Obispo, Kern, and San Bernardino Counties, CA.

MC 78400 (Sub-93F), filed September 3, 1980. Applicant: BEAUFORT TRANSFER CO., P.O. Box 151 Gerald, MO 63037. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between Eureka, MO, on the one hand, and, on the other, points in the U.S.

MC 85130 (Sub-13F), filed September 2, 1980. Applicant: BRADLEY'S EXPRESS, INC., 130 Bodwell St., Avon, MA 03233. Representative: A. David Millner, 167 fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006. Transporting *such commodities* as are sold by department stores, between points in NJ, MA, and RI.

MC 90870 (Sub-42F), filed August 27, 1980. Applicant: RIECHMANN ENTERPRISES, INC., Route 1, Box 1284, Granite City, IL 62040. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50307. Transporting *metal products,* between points in Baltimore County, MD, Norfolk County, MA, Hamilton County, OH, Denver County, CO, Wayne County, MI, Harris and Dallas Counties, TX, Hendricks County, IN, Los Angeles and Alameda Counties, CA, Dade County, FL, Hennepin County, MN, St. Bernard County, LA, Essex County, NJ, Philadelphia County, PA, Maricopa County, AZ, Salt Lake City, UT, Kitsap County, WA, Cook and Madison Counties, IL, and Gwinnett County, GA, on the one hand, and, on the other, points in the U.S.

MC 111231 (Sub-309F), filed September 2, 1980. Applicant: JONES TRUCK LINES, INC., 610 East Emma Ave., Springdale, AR 72764. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Ave., Port Smith, AR 72902. Transporting (1) *building board, wallboard, and insulation board,* (2) *roofing and roofing materials,* (except commodities in bulk), and (3) *materials and supplies* used in the installation of the commodities in (1) and (2) above, (except commodities in bulk), between the facilities of Owens-Corning Fiberglas Corporation, at or near (a) Atlanta, GA, (2) Hazelwood and North Kansas City, MO, (3) Meridian, MS, and (4) Oklahoma City, OK, on the one hand, and, on the other, points in AL, AR, GA, IL, IA, KS, LA, MS, MO, ND, OK, TN, and TX.

MC 111611 (Sub-49F), filed September 2, 1980. Applicant: NOERR MOTOR FREIGHT, INC., 205 Washington Ave., Lewistown, PA 17044. Representative: William D. Taylor, 100 Pine St., Suite 2550, San Francisco, CA 94111. Transporting (1) *glass and glass products,* and (2) *materials, equipment, and supplies* used in the manufacture of glass products, between points in the United States.

MC 112520 (Sub-392F), filed September 2, 1980. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, FL 32302. Representative: Thomas F. Panebianco (same address as applicant). Transporting *petroleum and petroleum products,* in bulk, in tank vehicles, from points in Bay County, FL, to points in AL and GA.

MC 115840 (Sub-123F), filed August 28, 1980. Applicant: COLONIAL FAST FREIGHT LINES, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Chester G. Groebel (same address as applicant). Transporting *metal and metal products,* between points in AL, on the one hand, and, on the other, points in OK, AR, MS, GA, FL, SC, TN, NC, KY, VA, WV, IL, WI, MI, IN, OH, MD, DE, PA, NJ, NY, CT, MA, RI, VT, NH, ME, and DC.

MC 118341 (Sub-3F), filed August 28, 1980. Applicant: VALLEY TRUCKING CO., INC., P.O. Box 2298, Brownsville, TX 78520. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103. Transporting *electrical parts* used in the manufacture of circuit boards and automobiles radios, between Indianapolis and Kokomo, IN, on the one hand, and, on the other, the port of entry on the international boundary line between the United States and Mexico at Brownsville, TX.

MC 119710 (Sub-31F), filed September 2, 1980. Applicant: SHUPE BROS. CO., P.O. Box 929, Greeley, CO 80631. Representative: Paul F. Sullivan, 711 Washington Bldg. Washington, DC 20005. Transporting (1) *grain handling and drying equipment,* and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in the United States, under continuing contract(s) with Middle States Mfg. Co., of Columbus, NE.

MC 126091 (Sub-9F), filed September 2, 1980. Applicant: FARLEY & SCHILLING, INC., c/o General Delivery, Rushville, IN 46173. Representative: Donald W. Smith P.O. Box 40248, Indianapolis, IN 46240. Transporting (1) *primary metal products, chemicals, metallic ores, and non-metallic minerals,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in the United States, under continuing contract(s) with Foote Mineral Company of Exton, PA.

MC 127811 (Sub-25F), filed September 5, 1980. Applicant: BRYNWOOD TRANSFER, INC., 175 8th Ave., S.W., New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting (1)(a) *fabricated metal products, lumber products, wood products, and concrete products,* and (b) *materials, equipment and supplies* used in the manufacture of the commodities in (a) between points in IA, IL, IN, KS, MI, MN, MO, ND, NE, OH, SD, and WI, and (2)(a) *primary metal products,* and (b) *materials, equipment and supplies* used in the manufacture of the commodities in (a), between points in IA, IL, IN, MI, MN, and WI, on the one hand, and, on the other, points in the United States.

MC 131000F, filed August 25, 1980. Applicant: SAGANNE PROPERTIES, INC. d.b.a. SAGANNE TOURS, 3420 Haven Ave., Ocean City, NJ 08226. Representative: Frighiof N. Sagerholm, Jr. (same address as applicant). As a *broker,* to arrange for the transportation of *passengers and their baggage,* between points in Cape May, NJ, on the one hand, and, on the other, points in CT, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, VT, VA, WV, and DC.

MC 133920 (Sub-27F), filed Septermber 2, 1980. Applicant: HOWARD SHEPPARD, INC., P.O. Box 755, Sandersville, GA 31082. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30394. Transporting *sodium polyacrylate,* in bulk, in tank vehicles, from Houston, TX, to points in GA.

MC 134551 (Sub-20F), filed August 28, 1980. Applicant: LANTER REFRIGERATED DISTRIBUTING CO, a corporation, #3 Caine Dr., Madison, IL 62060. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. Transporting *confectionery and snack foods,* between Madison, IL, on the one hand, and, on the other, points in IL.

Note.—Applicant intends to tack the above requested authority with MC 134551 Sub 11.

MC 134551 (Sub-21F), filed September 4, 1980. Applicant: LANTER REFRIGERATED DISTRIBUTING CO., #3 Caine Dr., Madison, IL 62060. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. Transporting *non-exempt food or kindred products* as described in Item 20 of the Standard Transportation Commodity Code Tariff, between St. Louis, MO, on the one hand, and, on the other, points in IL, IN, and KY.

MC 143540 (Sub-27F), filed September 2, 1980. Applicant: MARINE TRANSPORT COMPANY, P.O. Box 2142, Wilmington, NC 28402. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602. Transporting *general commodities,* (except those of unusual value, commodities in bulk, classes A and B explosives, commodities requiring special equipment and household goods as defined by the Commission), between points in the United States, under continuing contract(s) with Behring Shipping Company, of New York, NY.

MC 146111 (Sub-5F), filed September 5, 1980. Applicant: INDUSTRIAL TRANSPORT, INC., 11910 Harvard Ave., P.O. Box 04177, Cleveland, OH 44105. Representative: Brian S. Stern, North Springfield Professional Center II, 5411-D Backlick Rd., Springfield, VA 22151. Transporting *aluminum and aluminum products* from the facilities of Kaiser Aluminum & Chemical Corporation at or near Chalmette, LA, to Ravenswood Works, WV, and points in IL, IN, MI, and OH.

MC 146510 (Sub-1F), filed August 28, 1980. Applicant: UNIVERSAL CARTAGE, INC., 640 W. Ireland Road, South Bend, IN 46680. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting (1) *castings, titanium ingots, super alloy, aluminas, waxes, abrasives, and ceramic crucicles,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in the U.S., under continuing contract(s) with Howmet Turbine Components Corporation, of Muskegon, MI.

MC 147001 (Sub-3F), filed September 3, 1980. Applicant: NOEL MURRAY, 229 6th Ave. NW., Valley City, ND 58072. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502. Transporting (1) *bagged insulation,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of bagged insulation, between points in the United States, under continuing contract(s) with N.C.I. Inc., of Valley City, ND.

MC 150221 (Sub-3F), filed August 29, 1980. Applicant: CENTRAL SOUTHERN, INC., P.O. Box 375, Drayton, SC 29333. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. Transporting *chemicals, detergents, dyes, emulsifiers, and wetting agents,* between points in the U.S., under continuing contract(s) with BASF Wyandotte Corporation, and Whitestone Chemical, a division of BASF Wyandotte Corporation, of Spartanburg, SC.

MC 151151 (Sub-1F), filed September 2, 1980. Applicant: LAVONNE R. JAHN, 417 Hokah St., Caledonia, MN 55921. Representative: Joseph E. Ludden, 324 Exchange Bldg., P.O. Box 1567, LaCrosse, WI 54601. *Over regular routes,* transporting *general commodities* (except those of unusual value, classess A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Spring Grove and Harmony, MN, over MN Hwy 44, serving Canton, MN, as an intermediate point.

Volume No. OP2-040

Decided: September 9, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 35602 (Sub-3F), filed September 2, 1980. Applicant: BETTENDORF TRANSFER, INC., Route 2, Box 261, River Falls, WI 54022. Representative: Norman A. Cooper, 145 West Wisconsin Avenue, Neenah, WI 54956. Transporting *general commodities,* between points in Barron, Dunn, Eau Claire, Pierce, Polk, and St. Croix Counties, WI, on the one hand, and, on the other, points in the U.S. Condition: To the extent this certificate authorizes classes A and B explosives, it shall be limited to a term expiring 5 years from the date of issuance.

MC 61592 (Sub-497F), filed September 2, 1980. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: Elisabeth A. DeVine, P.O. Box 737, Moline, IL 61265. Transporting *lumber, wood products,*

and construction materials, (except commodities in bulk), between ports of entry on the international boundary line between the U.S. and Canada in MI and NY, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA, restricted to traffic originating at or destined to the facilities used by Green Forest Lumber Limited.

MC 64932 (Sub-617F), filed September 2, 1980. Applicant: ROGERS CARTAGE CO., a corporation, 10735 South Cicero Ave., Oak Lawn, IL 60453. Representative: Allan C. Zuckerman, 39 South LaSalle St., Chicago, IL 60603. Transporting *vegetable oil,* in bulk, between points in Polk County, IA, on the one hand, and, on the other, points in the U.S.

MC 71593 (Sub-76F), filed September 2, 1980. Applicant: FORWARDERS TRANSPORT, INC., 1608 E. Second St., Scotch Plains, NJ 07076. Representative: David W. Swenson (same as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in the U.S.

MC 115162 (Sub-539F), filed September 3, 1980. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). Transporting (1) *heating and cooling equipment, and parts and accessories* for heating and cooling equipment, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in Onondaga County, NY, Smith County, TX, Los Angeles County, CA, and Davidson, Rutherford, Shelby, and Warren Counties, TN, on the one hand, and, on the other, those points in the U.S., in and east of ND, SD, NE, KS, OK, and TX.

MC 123993 (Sub-81F), filed September 3, 1980. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Austin L. Hatchell, P.O. Box 2165, Austin, TX 78768. Transporting *canned goods* between points in LA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 126822 (Sub-99F), filed September 2, 1980. Applicant: WESTPORT TRUCKING CO., a corporation, 15580 South 169 Highway, Olathe, KS 66061. Representative: John T. Pruitt (same address as applicant). Transporting *glass and glass products,* between points in IL, on the one hand, and, on the other, points in TX.

MC 126822 (Sub-100F), filed September 3, 1980. Applicant: WESTPORT TRUCKING COMPANY, a corporation, 15580 South 169 Highway, Olathe, KS 66061. Representative: John T. Pruitt (same address as applicant). Transporting *paper and paper products and plastic articles, and materials and supplies* used in the manufacture and distribution of paper and paper products and plastic articles, between points in the U.S.

MC 128273 (Sub-401F), filed September 3, 1980. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same as applicant). Transporting *general commodities* (except commodities in bulk, classes A and B explosives, household goods as defined by the Commission, and commodities which, because of size of weight require the use of special equipment), from points in Clay and Jackson Counties, MO, and Johnson and Leavenworth Counties, KS, to those points in the U.S. in and east of MT, WY, CO, and NM.

MC 136343 (Sub-224F), filed September 2, 1980. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, PA 17108. Transporting *paper and paper products, and materials, equipment and supplies used in the manufacture of paper and paper products,* (except commodities in bulk and those which because of size or weight require the use of special equipment), (1) between the facilities of Hammermill Paper Company, at or near Oswego, NY, on the one hand, and, on the other, points in IA, IL, MN, MO, and WI; (2) between the facilities of Hammermill Paper Company, at or near Erie, PA, on the one hand, and, on the other, points in CT, DE, IA, IL, IN, KY, MA, MD, ME, MI, MN, MO, NH, NJ, NY, OH, PA, RI, VA, VT, WV, WI, and DC; and (3) between the facilities of Hammermill Paper Company, at or near Lock Haven, PA, on the one hand, and, on the other. Points in IA, MN, and MO.

MC 139242 (Sub-5F), filed September 2, 1980. Applicant: D & T LIMOUSINE SERVICE, INC., 15753 Puritas Ave., Cleveland, OH 44135. Representative: Robert E. Lange (same address as applicant). Transporting (a) *passengers,* who are employees of the Consolidated Rail Corporation, between points in OH and IN, on the one hand, and, on the other, points in IL, KY, WV, and those in St. Louis County, MO and Erie and Niagara Counties, NY, under continuing contract(s) with Consolidated Rail Corporation, of Philadelphia, PA; and (b) *passengers,* who are employees of the Baltimore & Ohio Railroad Company, between points in OH and IN, on the one hand, and, on the other, points in IL, KY, MI, PA, and WV, under continuing contract(s) with the Baltimore & Ohio Railroad Company, of Akron, OH.

MC 141532 (Sub-96F), filed September 2, 1980. Applicant: PACIFIC STATES TRANSPORT, INC., 10244 Arrow Highway, Rancho Cucamonga, CA 91730. Representative: Michael J. Norton, 1905 South Redwood Road, Salt Lake City, UT 84104. Transporting (1) *machinery and supplies* as described in Item 35 of the Standard Transportation Commodity Code, tariff, (2) *transportation equipment* as described in Item 37 of the Standard Transportation Commodity Code tariff (3) *off-road construction equipment, mining equipment* and *yard trucks,* (3) between Mariciopa and Pima Counties, AZ, Bernalillo and McKinley Counties, NM, Lyon County, NV, El Paso County, TX, Salt Lake County, UT, and Sweetwater and Natrona Counties, WY, on the one hand, and, on the other, points in the U.S. and, (b) between points in WA, OR, CA, ID, MT, AZ, NV, UT, CO, WY and NM.

MC 144293 (Sub-17F), filed September 2, 1980. Applicant: DUANE McFARLAND, P.O. Box 1006, Austin, MN 55912. Representative: Thomas J. Beener, 67 Wall Street, Suite 2510, New York, NY 10005. Transporting *prepared food,* between points in Champaign County, OH, and Hennepin County, MN.

MC 144303 (Sub-21F), filed September 3, 1980. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Charles Ephraim, 406 World Center Building, 918–16th St. NW, Washington, DC 20006. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of electric lighting equipment, between points in the U.S., under continuing contract(s) with General Electric Company, Lighting Business Group, of Cleveland, OH.

MC 144622 (Sub-184F), filed September 3, 1980. Applicant: GLENN BROTHERS TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J. B. Stuart, P.O. Box 179, Bedford, TX 76021. Transporting *such commodities* as are dealt in by manufacturers and distributors of lawn and garden products and equipment, between points in Fannin County, TX, on the one hand, and, on the other, points in AL, AR, AZ, CA, CO, FL, GA, IL, IA, IN, KS, KY, LA, MD, MS, MO, MN, NE, NM, NC, OH, OK, TN, and WY.

MC 144643 (Sub-12F), filed September 3, 1980. Applicant: VINGI BROTHERS TRUCKING CO., INC., 28 Oakdale Ave., Johnston, RI 02919. Representative: William F. Poole, 41 Bea Dr., North Kingstown, RI 02852. Transporting (1) *foodstuffs*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of foodstuffs, between points in the U.S., under continuing contract(s) with (a) Cadbury Schweppes USA, Ltd., and (b) its subsidiary Jefferson Bottling Co., both of Warwick, RI.

MC 146762 (Sub-1F), filed August 29, 1980. Applicant: BAGNELL MOVING AND STORAGE, INC., P.O. Box 312, Osage Beach, MO 65065. Representative: James C. Swearengen, P.O. Box 456, Jefferson City, MO 65102. Transporting *household goods*, between points in MO, on the one hand, and, on the other, points in AR, IL, IA, KS, NE, and OK.

MC 148202 (Sub-6F), filed September 3, 1980. Applicant: K & W ENTERPRISES, INC., P.O. Box 19133, Greensboro, NC 27410. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Transporting *such commodities* as are dealt in or used by manufacturers distributors and wholesalers of health and beauty aids, between points in the U.S., under continuing contract(s) with Vidal Sassoon, Inc., of Chatsworth, CA.

MC 149462F, filed August 26, 1980. Applicant: BERNARD PAVELKA TRUCKING, INC., 1215 East "J" St., Hastings, NE 68901. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Transporting *malt beverages*, between St. Paul, MN, LaCrosse and Milwaukee, WI, Peoria and Belleville, IL, St. Louis, MO, Golden, CO, and Fort Worth, TX, on the one hand, and, on the other, points in NE.

MC 150103 (Sub-9F), filed September 3, 1980. Applicant: SCHWEIGER INDUSTRIES, INC., 116 West Washington, St., Jefferson, WI 53549. Representative: Michael J. Wyngaard, 150 East Gilman, St., Madison, WI 53703. Transporting *fabrics*, between points in the U.S., under continuing contract(s) with Curly's Fabric Company, of Highland Park, IL.

MC 150523 (Sub-1F), filed August 29, 1980. Applicant: GRIFFITH TRUCK BROKERAGE, INC., 2705 North Cage, Pharr, TX 78577. Representative: Gary L. Griffith (same address as applicant). Transporting *Frozen fruits and vegetables*, in packages, between points in the U.S., under continuing contract(s) with Bannworth, Inc., of La Joya, TX.

MC 151113 (Sub-1F), filed September 2, 1980. Applicant: R & E TRANSPORT, INC., 25 Circle Drive, Ephrata, PA 17522. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Transporting (1) *pulp, paper, or allied products*, as described in Item 26 of the Standard Transportation Commodity Code Tariff, and *materials and supplies* used in the manufacture, sale, and distribution of the above-named commodities between points in Chester County, PA, on the one hand, and, on the other, those points in the U.S. in an east of ND, SD, NE, KS, OK, and TX, and (2) *chemicals or allied products*, as described in Item 28 of the Standard Transportation Commodity Code Tariff, and *materials and supplies* used in the manufacture and distribution of the above-named commodities between points in Summit County, OH, Mercer County, NJ, and Chester County, PA, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 151692 (Sub-1F), filed September 2, 1980. Applicant: EVANS TRANSPORTATION CO., a corporation, 7800 Route #13, Levittown, PA 19057. Representative: Peter R. Gilbert, 1919 Pennsylvania Ave., NW., Suite 850, Washington, DC 20006. Transporting (1) *iron and steel articles* and (2) *equipment, materials and supplies* used in the manufacture of the commodities in (1) above, between points in the U.S., under a continuing contract(s) with Ferrodeck, Inc., of Needham, MA.

MC 151742, filed September 3, 1980. Applicant: TEAM TRANSPORT, INC., 132 Phillips Ave., Niles, OH 44446. Representative: Samuel P. Delisi, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. Transporting (1) *iron and steel articles and iron and steel by-products*, and (2) *materials equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in the U.S., under continuing contract(s) with United States Steel Corporation, of Pittsburgh, PA.

Volume No. OP2-042

Decided: September 11, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 131002F, filed August 28, 1980. Applicant: SPRINGDALE TOURS, INC. d.b.a. SPRINGDALE TOURS, 1707 North Monroe Street, Tallahassee, FL 32303. Representative: Thomas F. Panebianco, P.O. Box 1200, Tallahassee, FL 32302. As a *Broker*, at Tallahassee, FL, in arranging for the transportation, by motor vehicle, of passengers and their baggage, in round-trip special and charter operations, between points in the U.S.

MC 131003F, filed September 4, 1980. Applicant: TERI TRAVEL BUS TOURS, 23 Cedar St., Naugatuck, CT 06770. Representative: Francis T. Keith (same address as applicant). As a *broker*, at Naugatuck and Seymour, CT, to arrange for the transportation of *passengers and their baggage*, between points in CT, on the one hand, and, on the other, points in the U.S.

MC 151533 (Sub-2f), filed August 28, 1980. Applicant: BESTWAY FREIGHT LINES LTD., 1749 Wilbur Cross Hwy., Berlin, CT 06037. Representative: Gerald A. Joseloff, 80 State St., P.O. Box 3258, Hartford, CT 06103. Transporting (1) *machinery and parts* for machinery, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between the facilities of New Britain Plastics Machine Company, at (a) New Britain, CT, and (b) Agawam, MA, on the one hand, and, on the other, points in the U.S. (except AK and HI.)

MC 151703F, filed August 29, 1980. Applicant: NORSUB, INC., R. D. #1, Cranberry Township, PA 16033. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. Transporting (1) *lumber or wood products* (except furniture), (2) *clay, concrete, glass or stone products*, (3) *primary metal products*, including galvanized (except coating or other allied processing), (4) *fabricated metal products* (except ordnance), (5) *machinery and supplies*, and (6) *containers, carriers, or devices*, shipping, returned empty, as described in Items 24, 32, 33, 34, 35, and 42 of the Standard Transportation Commodity Code Tariff, respectively, between points in AR, CA, CO, ID, IL, IN, KS, MN, MO, MT, NY, OH, OK, OR, PA, TX, UT, WA, and WY.

MC 151743F, filed September 3, 1980. Applicant: A. H. MISSANT COMPANY, INC., 1930 Marston, Detroit, MI 48211. Representative: Edwin M. Snyder, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 38167. Transporting (1) *paper and paper products*, (2) *plastic and plastic articles*, (3) *wood pulp*, and (4) *materials, equipment, and supplies* used in the manufacturing and distribution of the commodities in (1), (2), and (3) above, between points in the U.S., under continuing contract(s) with International Paper Company, of New York, NY. CONDITION: The person or persons who appear to be engaged incommon control of another regulated carrier must either file an application under 49 U.S.C

§ 11343 or submit an affidavit indicating why such approval is unnecessary.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-28641 Filed 9-16-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR § 1100.240). These rules provide, among other things, that opposition to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. Opposition under these rules should comply with Rule 240(c) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, and specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Opposition not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of any protest shall be filed with the Commission, and a copy shall also be served upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(c)(4) of the special rules and shall include the certification required.

Section 240(e) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request its dismissal.

Further processing steps will be by Commission notice or order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown.*

Any authority granted may reflect administratively acceptable restrictive amendments to the transaction proposed. Some of the applications may have been modified to conform with Commission policy.

We find with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application *or* any application directly related thereto filed within 30 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with impediments) upon compliance with certain requirements which will be set forth in a notification of effectivenss of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Decided: September 5, 1980.

By the Commission, Review Board Number 5 Members Krock, Taylor, and Williams. (Board Member Taylor not participating in MC-F-14353F and in MC-F-14398F.) (Board Member Taylor Concurring in MC-F-14314.

MC-F-14398F, filed May 28, 1980. AERO TRUCKING, INC. (Aero) (P.O. Box 308, Monroeville, PA 15146)—CONTROL AND MERGER—TRIANGLE TRUCKING CO. (Triangle) (P.O. Box 490, McKees Rocks, PA 15136). Representative: A. Charles Tell, Suite 1800, 100 East Broad Street, Columbus, OH 43215. Aero seeks authority to acquire control of Triangle through the purchase of all the issued and outstanding capital stock of Brandt Enterprises, Inc., a non-carrier holding company which has two subsidiaries, namely, Triangle Trucking Co. and C & M Equipment Co., and to merge the interstate operating rights of Triangle into Aero for ownership, management, and operation. Edward J. Contro, Jack M. George, and James N. George, persons in control of Aero, seek authority to acquire control of said rights through the transaction. The operating rights to be acquired are contained in Permit No. MC-129759 and sub numbers thereunder as follows: (1) *wrought iron conduit,* from Glendale, WV, to points in IL, IN, KY, MD, VA, OH, NJ, NY, PA, CT, MI, DE, and DC, under contract with Triangle Industries, Inc., of Glendale, WV; (2) (a) *pipe, cable, and strip steel,* from Glendale, WV, to points in CT, DE, IL, IN, IA, KY, ME, MD, MA, MI, MN, MO, NH, NJ, NY, OH, PA, RI, TN, VT, VA, WI, and DC, (b) *cable, wire, rods, pipe and pipe fittings and component parts,* from New Brunswick and South Brunswick, NJ, to points in IL, IN, IA, KY, MI, MN, MO, OH, WV, and WI, and (c) *commodities* used in the manufacture and distribution of the commodities named in (a) and (b) above (except commodities in bulk), from points in the destination States named in (a) and (b) above, to Glendale, WV, and New Brunswick and South Brunswick, NJ, restricted in (2) above against the transportation of shipments originating at points in CT, ME, MA, NH, RI, and NJ destined to New Brunswick and South Brunswick, NJ, under contract with Triangle Industries, Inc.; (3) *aluminum and copper wire and cable, plastic granules, electric cord sets, and materials and supplies* used in the manufacture and distribution of the above described commodities (except in bulk, in tank vehicles), between the facilities of Triangle PWC, Inc.; a subsidiary of Triangle Industries, Inc., at or near Jewett City and Montville, CT, on the one hand, and, on the other, points in IL, IN, IA, KY, KS, MI, MN, MO, OH, OK, TN, VA, TX, WV, WI, and those in that part of PA on and west of U.S. Hwy 219, under contract with Triangle PWC, INC., a subsidiary of Triangle Industries, Inc.; (4) *plastic pipe, tubing, and conduit,* and *materials, equipment, and supplies* used in the manufacture of such commodities (except commodities in bulk), between the facilities of Triangle Pipe and Tube Co., Inc., at Footville, WI, on the one hand, and, on the other, points in CT, DE, IL, IN, KY, ME, MD, MA, NH, NJ, NY, OH, PA, RI, TN, VT, VA, WV, and the Lower Peninsula of MI, and DC, under contract with Triangle Industries, Inc.; (5) (a) *cable, pipe, tubing and wire,* from Trenton, NJ, to points in CT, DE, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MO, NH, NY, OH, PA, RI, TN, VT, VA, WI, and DC, (b) *materials, equipment, and supplies* used in the manufacture and sale of cable, pipe, and tubing and wire, from points in the destination States in (a) above to Trenton, NJ, (c) *cable, pipe, tubing, and wire,* from Lawrence, KS, to points in those States named in (a) above (except KS), and to points in NJ and WV, and (d) *materials, equipment, and supplies* used in the manufacture and sale of cable, pipe, tubing and wire, from points in the destination states authorized in (c) above, to Lawrence, KS, under continuing contracts in (5) above with Crescent Wire and Cable Co., a division of TRW, Inc., and restricted in (5) above against the transportation of commodities in bulk; (6) *such commmodities* as are dealt in by a manufacturer of pipe, conduit, wire, cable, cord sets, plastic materials, and *materials, equipment, and supplies* used in the conduct of such business (except commodities in bulk, in tank vehicles), between the facilities of Triangle PWC, Inc., subsidiary of Triangle Industries, Inc., at Sikeston, MO, on the one hand, and, on the other, points in CT, DE, FL, GA, IL, IN, KY, ME, MD, MA, MI, MN, NJ, NY, NH, NC, OH, PA, RI, SC, TN, VT, VA, WV, and WI, under contract with Triangle PWC, Inc., of New Brunswick, NJ, a subsidiary of Triangle Industries, Inc.; (7) *iron and steel articles,* from Ashville, AL, to points in AR, FL, GA, KS, LA, MS, MO, NC, OK, SC, TN, and TX, under contract with Dietrich Industries, Inc., of Monroeville, PA;

(8)(a) *wire and wire products,* (i) from the facilities of National Wire Products Corporation, at Baltimore, MD, to points in the United States (except those in OH, RI, MA, NH, VT, ME, IN, MI, PA, NJ, CT, VA, NC, WV, DE, MD, KY, FL, GA, SC, AK, HI, and DC), (ii) from the facilities of National Wire Products Corporation, at Toledo, OH, to points in the United States (except AK and HI), (iii) from the facilities of National Wire Products Corporation, at Tampa, FL, to points in the United States (except FL, GA, CT, DE, MD, MA, NJ, NC, PA, RI, TN, VA, WV, AK, HI, and DC), (iv) from the facilities of National Wire Products Corporation, at Atlanta, GA, to points in the United States (except TN, AL, VA, GA, MD, KY, SC, NC, CT, DE, MA, NJ, PA, RI, WV, AK, HI, and DC), (v) from the facilities of National Wire Products Corporation, at Savannah, GA, to points in the United States (except TN, AL, FL, KY, SC, NC, GA, MD, VA, CT, DE, MA, NJ, PA, RI, WV, AK, HI, and DC), (vi) from the facilities of National Wire Products Corporation, at Kearny, NJ, to points in the United States (except those in MA, RI, CT, NY, PA, DE, MD, FL, GA, SC, AK, and HI); and (b) *materials and supplies* used in the manufacture of wire and wire products (except commodities in bulk), from points in the destination States in (a) above to the origin facilities authorized in (a) above, under contract in (8) above with National Wire Products Corporation; (9)(a) *post tension strand,* from Springfield, VA, to points in AL, CT, DE, FL, GA, IL, IN, KY, ME, MD, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC, and (b) *materials, equipment, and supplies* used in the manufacture of post tension strand, from Baltimore, MD, to Springfield, VA, under contract in (9) above with VSL Corporation, of Springfield, VA; (10) *pipe, wire, cable, cord sets, plastic materials,* and *equipment and supplies* used in the manufacture of such commodities (except commodities in bulk, in tank vehicles), between the facilities of Triangle PWC, Inc., at Los Angeles and Pittsburg, CA, on the one hand, and, on the other, points in the United States (except CA, AK, HI, ID, MT, NV, OR, UT, and WA), under contract with Triangle PWC, Inc., a subsidiary of Triangle Industries, Inc. (11) *pipe, cable, conduit, wire, and strip steel,* and *attachments* therefore, between the facilities of Triangle PWC, Inc., at Glendale (Marshall County), WV, on the one hand, and, on the other, points in AL, AR, FL, GA, KS, LA, MS, NE, NC, ND, OK, SC, SD, and TX, under contract with Triangle PWC, Inc. (12) (a) *pipe and fittings* and *attachments* therefor, (except commodities in bulk), from the facilities of Triangle PWC, Inc., at Houston, TX, to points in the United States (except AK, HI, and TX), and (b) *materials and supplies* used in the manufacture of the commodities in (a) above, (except commodities in bulk), from points in the United States (except AK, HI, and TX), to the facilities of Triangle PWC, Inc., at Houston, TX, under contract in (12) above with Triangle PWC, Inc., of New Brunswick, NJ, (13) *pipe and conduit, fittings and attachments for pipe and conduit,* and *equipment, materials and supplies* used in the manufacture of pipe and conduit (except commodities in bulk, in tank vehicles), between the facilities of North Star Fabricating, Division of TPCO, Inc., subsidiary of Triangle Industries, Inc., at Lake Bluff, IL, on the one hand, and, on the other, points in the United States (except AK and HI), under contract with North Star Fabricating, Division of TPCO, subsidiary of Triangle Industries, Inc., of Lake Bluff, IL;

(14)(a) *roof deck,* from Heidelberg, PA, to points in the United States (except AK, HI, IN, IL, KY, MD, MI, NJ, NY, OH, PA, TN, and WI), and *materials* used in the manufacture of roof decks, from points in the United States (except AK, HI, KY, MI, NJ, NY, OH, PA), to Heidelberg, PA, under contract with Elwin G. Smith Division, Cyclops Corporation, of Heidelberg, PA; (15) *roof deck, bridge deck, metal roofing and siding,* and *equipment, materials and supplies* used in the manufacture and installation thereof (except commodities in bulk), (a) between Los Angeles, CA, on the one hand, and, on the other, points in the United States (except AK, CA, and HI), (b) between Atlanta, GA, on the one hand, and, on the other, points in the United States (except AK, GA, and HI), and (c) between Cambridge, OH, on the one hand, and, on the other, points in the United States (except AK, OH, and HI), under contract in (15) above with Elwin G. Smith Division, Cyclops Corporation, of Pittsburgh, PA; (16)(a) *wire and wire products,* (i) from the facilities of National Wire Products Corporation, at Baltimore, MD, to points in CT, DE, FL, GA, IN, KY, ME, MA, MI, NJ, NH, NY, NC, OH, PA, RI, SC, VT, VA, WV, and DC, (ii) from the facilities of National Wire Products Corporation, at Tampa, FL, to points in CT, DE, GA, MD, MA, NJ, NC, PA, RI, TN, VA, WV, NY on and south of NY Hwy 7, and DC, (iii) from the facilities of National Wire Products Corporation, at Atlanta, GA, to points in AL, CT, DE, KY, MD, MA, NJ, NC, PA, RI, SC, TN, VA, WV, NY on and south of NY Hwy 7, and DC; and (iv) from the facilities of National Wire Corporation, at Savannah, GA, to points in AL, CT, DE, FL, KY, MD, MA, NJ, NC, PA, RI, SC, TN, VA, WV, NY on and south of NY Hwy 7, and DC; and (b) *materials and supplies* used in the manufacture of wire and wire products (except commodities in bulk), from the destinations named in (a) above to the facilities of National Wire Products Corporation, at Baltimore, MD, and Atlanta and Savannah, GA, under contract in (16) above with National Wire Products Corporation, of Baltimore, MD; (17)(a) *cable, wire, rods, pipe, pipe fittings,* and *parts* for pipe and pipe fittings, from the facilities of Triangle Industries, Inc., at New Brunswick and South Brunswick, NJ, to points in the United States (except IL, IN, IA, KY, MI, MN, MO, OH, WV, WI, AK, and HI), (b) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (a) above, (except commodities in bulk), from the destinations named in (a) above, to the facilities of Triangle Industries, Inc., at New Brunswick and South Brunswick, NJ, and (c) *aluminum wire and cable, copper wire and cable, plastic granules, and electric cord sets,* and *materials and supplies* used in the manufacture and distribution of aluminum wire and cable, copper wire and cable, plastic granules, and electric cord sets, (except commodities in bulk, in tank vehicles), between the facilities of Triangle Industries, Inc., at or near Jewett City and Montville, CT, on the one hand, and, on the other, points in the United States (except IL, IN, IA, KY, KS, MI, MN, MO, OH, OK, TN, TX, VA, WI, WV, AK, HI, and those points in PA on and west of U.S. Hwy 219), under contract in (17) above with Triangle Industries, Inc., of New Brunswick, NJ. (18)(a) *roof deck,* from Heidelberg, PA, to points in IN and IL, under contract with Elwin G. Smith Division, Cyclops Corporation, Heidelberg, PA; (6) *roof deck,* from Heidelberg, PA, to points in MI, KY, NY, NJ, and OH (except those within 15 miles of Burgettstown, PA), and (b) *materials* used in the manufacture of roof deck, from points in the above-described destination territory, to Heidelberg, PA, under contract with Elwin G. Smith Division of Cyclops Corporation, of Heidelberg, PA; and (c) *roof deck,* from Heidelberg, PA, to points in MD, TN, WI, and OH, (d) *metal siding,* from Emsworth, PA, to points in IL, IN, KY, MD, MI, NJ, NY, OH, TN, and WI, and (e) *materials, equipment, and supplies* used in the manufacture of metal siding, from points in OH to Emsworth, PA, under contract in (18) above with Elwin G. Smith Division of Cyclops Corporation. Aero holds motor common carrier authority pursuant to MC–60014 and sub-numbers thereunder authorizing nationwide operations.

Note.—Application for temporary authority has been filed.

MC–F–14314F, filed January 28, 1980. DELTA BUS COMPANY (Delta) (12154 North Saginaw, Clio, MI 48420):—MERGER—VALLEY COACH LINES, INC. (Valley Coach) (12154 North Saginaw, Clio, MI 48420); CONTROL AND MERGER—CHARTOURS, INC. (Chartours) (28 East Huron Pontiac, MI 48058); and—PURCHASE—MERCURY BUS LINES, INC. (Mercury) (312 Davidson, Bldg., Bay City, MI 48076). Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Delta seeks authority to acquire control of Chartours by acquiring all the issued and outstanding capital stock of Chartours and to merge the operating rights and property of Chartours and Valley Coach into Delta for ownership, management, and operation. Delta also seeks authority to purchase the interstate operating rights and property of Mercury. Stanley Cupp, the sole stockholder of Delta, also seeks authority to acquire control of said rights and property through these transactions. The interstate operating rights to be acquired by Delta are contained in Valley Coach's certificates in MC–97651 and sub-numbers thereunder, in Chartours' certificates in MC–106393 and sub-numbers thereunder, and in Mercury's certificates in MC–114931 and sub-numbers thereunder, which authorize the transportation, as a motor common carrier, as follows: MC–97651 (Sub-No. 5), over regular routes, *passengers and their baggage,* and *express and newspapers,* in the same vehicle with passengers, between Flushing and Port Huron, MI serving all intermediate points: from Flushing over Pierson Road to Flint, MI (also from Flushing over Flushing Road to Flint), then over MI Hwy 21 to Port Huron, and return over the same route; MC—97651 (Sub-No. 7), over irregular routes, *passengers and their baggage* in the same vehicle with passengers, in special operations, in round-trip, sightseeing or pleasure tours, beginning and ending at points in Genessee, Lapeer, Livingston, St. Clair, Sanilac, and Washtenaw Counties, MI, and extending to points in the United States (including AK, but excluding HI); MC–97651 (Sub-No. 8), over regular routes, *passengers and their baggage, express, and newspapers* in the same vehicle with passengers, between Ann Arbor, and Flint, MI, serving all intermediate points and the off-route points of Brighton and Fenton, MI: from Ann Arbor over U.S. Hwy 23 Business Route to junction U.S. Hwy 23, then over U.S. Hwy 23 to junction MI Hwy 78, then over MI Hwy 78 to Flint, and return over the same route, and between Flint and Fenton, MI, serving all intermediate points: from Flint over Fenton Road to Fenton and return over the same route; MC–106393, over irregular routes, *passengers and their baggage,* in special operations consisting of round-trip tours, beginning and ending at Detroit, MI, and points within 25 miles of City Hall, Detroit, and extending to points in the United States (except AK and HI), restricted against the pick-up or discharge of passengers and their baggage at any point not within the above-described base territory; and MC–114931 (Sub-No. 1), over regular routes, *passengers and their baggage, and express, and newspapers* in the same vehicle with passengers, (a) between Midland and Hemlock, MI, serving all intermediate points, over unnumbered hwy, (b) between Mt. Pleasant and Midland, MI, serving all intermediate points, over MI Hwy 20; (c) between Gladwin and Midland, MI, serving all intermediate points, from Gladwin over MI Hwy 18 to junction U.S. Hwy 10, then over U.S. Hwy 10 to Midland, and return over the same route; (d) between Saginaw and Alma, MI, serving all intermediate points, from saginaw over MI Hwy 46 to Sto. Louis, MI, then over unnumbered hwy to Alma, and return over the same route, and (e) between Midland and Saginaw, MI, serving all intermediate points, from Midland over U.S. Hwy 10 to junction MI Hwy 47, then over MI Hwy 47 to Saginaw, and return over the same route (The above-described authority to transport passengers was issued pursuant to an application filed on or before January 1, 1967, and therefore incidential charter operations in interstate or foreign commerce may be conducted under rules and regulations prescribed by the Commission pursuant to section 208(c) of the Interstate Commerce Act, as amended November 10, 1966); *passengers and their baggage, and express, and newspapers,* in the same vehicle with passengers, between Midland and Bay City, MI, serving all intermediate points, over U.S. Hwy 10; and over irregular routes, *passengers and their baggage,* in special and charter operations, beginning and ending at points on the specified regular-routes described next above (except Bay City, MI), and extending to points in the United States (including AK, but excluding HI). Delta is authorized to operate as a motor common carrier of passengers pursuant to authority issued in MC–109173 and sub-numbers thereunder.

Notes.—(1) Application for temporary authority has been filed. (2) Delta filed a directly related application, FD–29445, under 49 U.S.C. 11301 and 11302 for the assumption of the obligations and liabilities of Mercury Bus Lines, Inc., Valley Coach Lines, Inc., and Chartours, Inc. Because the "Motor Carrier Act of 1980" amended the finance exemption under 49 U.S.C. 11302(b) by raising the exemption limit from $1,000,000 to $5,000,000, this securities application is no longer necessary and will be dismissed.

MC–F–14429F (Supplemental Notice). In F.R. Doc. 80–26292, appearing in the issue of Thursday, August 28, 1980, an application was published under Docket No. MC-F-14429F at page 57600. Subsequent to the publication, applicant filed an application for temporary authority. This publication is to give notice of the temporary authority application.

MC-F-14353F, filed March 25, 1980. (Correction) (Previously published in the **Federal Register** on June 9, 1980 and corrected by notice in the **Federal Register** on June 23, 1980.) Reber Corporation—Purchase—Romano's Bulk Carriers. The purpose of this republication is to add the following authority which was previously omitted from the scope of authority sought to be purchased by Reber from Romano's. Reber also seeks authority to purchase the interstate operating rights awarded to Romano's in MC-F-12721, evidenced by a portion of Certificate No. MC-73618, authorizing the transportation, by motor common carrier, over irregular routes of *sand and gravel, silex, silica, glass, foundry, mold wash, and blating,* from Millville, Dorchester, Port Norris and Port Elizabeth, NJ, to Washington, DC, Baltimore, MD, Wilmington, DE, Stamford, Norwalk, Bridgeport, New Haven, and Waterbury, CT, New York, NY, and those points in PA east of the Susquehanna River.

Note.—The effective notice in MC-F-14353F, served July 24, 1980, will be vacated.

Agatha L. Mergenovich

Secretary.

[FR Doc. 80-28638 Filed 9-16-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Notice No. F-57

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 146251 (Sub-3-3TA), filed September 4, 1980. Applicant: CLAXTON TRANSPORT, INC., Route 3, Box 135, Wrightsville, GA 31096. Representative: Ronald K. Kolins, 420 International Square, 1875 Eye Street, N.W., Washington, DC 20006. *Moulded plastic articles and equipment, materials and supplies used in the manufacture of moulded plastic articles* between Emanuel County, GA and Darke County, OH. Supporting shipper: PTR, Inc., P.O. Box 749, 200 Meadowlake Parkway, Swainsboro, GA 30401.

MC 151394 (Sub-3-1TA), filed September 3, 1980. Applicant: BERNHARDT FURNITIRE CO., P.O. Box 740, Lenoir, NC 28645. Representative: Fred R. Piercy (same address as applicant). *Molded pulp forms* from Lake County, IN to points in NC, VA and TN. Supporting shipper: Jiffy Manufacturing Company, 1015 2nd St., NE, Hickory, NC 28601.

MC 2253 (Sub-3-3TA), filed September 4, 1980. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, P.O. Box 697, Cherryville, North Carolina 28021. Representative: J. S. McCallie, P.O. Box 697, Cherryville, North Carolina 28021. *Insecticides* from Charleston, SC to Tunica, MS. Supporting shipper: Trans-port International, Inc., P.O. Box 746, Charleston, SC 29402.

MC 128555 (Sub-3-5TA), filed September 4, 1980. Applicant: MEAT DISPATCH, INC, P.O. Box 1058, Palmetto, FL 33561. Representative: Raymond P. Keigher, 401 E. Jefferson Street, Suite 102, Rockville, MD 20850. *Contract: Irregular:* (1) *such commodities as are dealt in by wholesale and retail department stores,* and (2) *materials, equipment and supplies used in the conduct of such businesses,* between points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, ME, MI, MN, MS, MO, NE, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI and DC, under continuing contract(s) with Ames Department Stores, Inc., of Rocky Hills, CT, its subsidiaries and affiliates. Supporting shipper: Ames Department Stores, Inc., 2418 Main Street, Rock Hill, CT 06067.

MC 135895 (Sub-3-15TA), filed September 4, 1980. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. (1) *Plastic articles, plastic containers and closures and (2) equipment, materials and supplies used in the manufacture, sale and distribution of commodities described in (1) above (except commodities in bulk and those requiring special equipment)* between the facilities of Continental Plastic Beverage Bottle Division, Continental Group, Inc., Reserve, LA on the one hand, and, on the other points in AL, AR, FL, GA, KS, KY, LA, MO, MS, NC, OK, SC, TN and TX. Supporting shipper: Continental Plastic Beverage Bottle Division, Continental Group, Inc., P.O. Box 2026, Reserve, LA 70084.

MC 107818 (Sub-3-3TA), filed September 4, 1980. Applicant: GREENSTEIN TRUCKING COMPANY, 280 N.W. 12th Avenue, Pompano Beach, FL 33061. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval Street, Jacksonville, FL 32202. *General commodities (except articles of unusual value, Classes A & B explosives, household goods, commodities in bulk, and those requiring special equipment),* from Cook County, IL, to points in FL, GA, NC and SC. Supporting shipper: Economics Laboratory, Inc., Osborn Building, St. Paul, MN 55102.

MC 108651 (Sub-3-4TA), filed September 4, 1980. Applicant: ROY B. MOORE, INC., P.O. Box 628, Kingsport, TN 37662. Representative: Daniel H. Moore (same address as applicant). *Such commodities as are dealt in by wholesale , retail and chain food business houses* between Brockport and Horseheads, NY, on the one hand, and, on the other, points in TN on and east of U.S. Hwy 27, VA and points in WV on and south of U.S. Hwy 60. Supporting shipper: Great Atlantic & Pacific Tea Company, Inc., Two Paragon Drive, Montvale, NJ 07645.

MC 145956 (Sub-3-1TA), filed September 4, 1980. Applicant: TRANSMEDIC CARRIERS, INC., P.O. Box 1394, Largo, FL 33540. Representative: Elbert Brown, Jr., P.O. Box 1378, Altamonte Springs, FL 32701. *Paint, Paint products, materials and supplies related thereto and materials and supplies used in the manufacture of paint,* between the facilities of Porter Paint Company and all points in the U.S. (excluding AK and HI). Supporting shipper: Porter Paint Company, 400 S. 13th St., Louisville, KY 40203.

MC 139917 (Sub-3-3TA), filed August 29, 1980. Applicant: SEARAIL, INC., P.O. Box 909, Mobile, Alabama 36601. Representative: James L. Dailey, P.O. Box 909, Mobile, Alabama 36601. *General Commodities (except Classes A & B Explosives) having a prior or subsequent movement by rail or water.* Between points in AL, AR, FL, GA, IL, IN, KY, LA, MS, MO, NC, OK, SC, TN, TX, and VA. Applicant intends to interline with other carriers at all port facilities & rail heads. There are 58 supporting shippers. Their statements may be examined at ICC Regional Office, Atlanta, GA.

MC 31675 (Sub-3-12TA), filed August 28, 1980. Applicant: NORTHERN FREIGHT LINES, INC., P.O. Box 34303, Charlotte, N.C. 28234. Representative: Garland V. Moore (same as above). *(1) Plastic Articles, (2) Materials, equipment and supplies utilized in the manufacture, sale and distribution of the commodities listed in (1) above (except in bulk)* between the facilities of Amoco Container at Monroe, GA, Seymour, IN, W. Chicago, IL, Orlando, FL, Langhorne, PA, and Worcester, MA, on the one hand and on the other, the states of LA, AR, MO, IL, MI and all states east thereof. Supporting shipper(s): Amoco Container Company, 2111 Powers Ferry Road, Suite 300, Atlanta, GA 30099.

MC 151592 (Sub-3-1TA), filed August 29, 1980. Applicant: D & L TRUCKING SERVICES, INC., 2080 South 9th Street, Louisville, KY 40208. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. *Soybean meal, in bulk,* from the facilities of the Ralston Purina Company, at Louisville, KY, to points in IN, OH, and TN, under continuing contract(s) with Ralston Purina Company. Supporting shipper: Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188.

MC 116254 (Sub-3-16TA), filed August 29, 1980. Applicant: CHEM-HAULERS, Inc., P.O. Box 339, Florence, AL 35631. Representative: Mr. M. D. Miller (same address as above). *Aluminum Articles,* between the facilities of Kaiser Aluminum and Chemical Sales Corporation, Anderson County, SC and AL, CO, GA, KS, LA, MS, NC, NJ, NY, OH, OK, PA, TX, VA, and WV. Supporting shipper: Kaiser Aluminum and Chemical Sales Corporation, 1435 Bleckley Street, Anderson, SC 29621.

MC 128720 (Sub-3-9TA), filed August 29, 1980. Applicant: MERCHANTS FREIGHT LINE, INC., 1185 Omohundro Drive, Nashville, TN 37210. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. *Stoves and electrical appliances,* between Chattanooga, TN, on the one hand, and, points in FL, OH, TX, IL, AR, SC, KY, NC, IN and AL. Supporting shipper: Robert G. Wandell, Modern Maid Co., E. 14th Street, Chattanooga, TN.

MC 107515 (Sub-3-57TA), filed August 29, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Esq., 3390 Peachtree Road, N.E., 5th Floor-Lenox Towers South, Atlanta, GA 30326. *Batteries, flashlights, lamps, store display racks, electrical equipment and parts (except in bulk)* from Asheboro, NC; Bennington, VT; Cleveland, OH; Fremont, OH; Greenville, NC; Maryville, MO; Red Oak, IA; St. Albans, VT to points in the US (except AK and HI). Supporting shipper: Union Carbide Corporation, 270 Park Avenue, New York, NY 10017.

MC 107515 (Sub-3-58TA), filed August 29, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Esq., 3390 Peachtree Road, N.E., 5th Floor-Lenox Towers South, Atlanta, GA 30326. *Anti-Freeze (except in bulk)* from Texas City, TX to points and places in the US (except AK and HI). Supporting shipper: Union Carbide Corporation, 270 Park Avenue, New York, NY 10017.

MC 107515 (Sub-3-60TA), filed August 29, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Esq., 3390 Peachtree Road, N.E., 5th Floor-Lenox Towers South, Atlanta, GA 30326. *Batteries, flashlights, lamps, store display racks, electrical equipment and parts (except in bulk)* from Atlanta, GA; Carrollton, TX; Cerritos, CA; Cleveland, OH; Edison, NJ; Greensboro, NC; Memphis, TN; Milwaukie, OR; Tinley Park, IL to points in the US (except AK and HI). Supporting shipper: Union Carbide Corporation, 270 Park Avenue, New York, NY 10017.

MC 151684 (Sub-3-1TA), filed August 29, 1980. Applicant: KROGEL AIR FREIGHT, INC., d.b.a., KROGEL, INC., 3735 East 11 Street, Orlando, FL 32859. Representative: Elbert Brown, Jr., P.O. Box 1378, Altamonte Springs, FL 32701. *General commodities (except household goods, Classes A & B explosives, and commodities requiring special equipment),* in expedited service, restricted to shipments having a prior or subsequent movement in interstate or foreign commerce, between points and places in the State of FL. Supporting shipper(s): There are six statements in support of this application which may be examined at the I.C.C. Regional Office, Atlanta, GA.

MC 151685 (Sub-3-1TA), filed August 29, 1980. Applicant: W. D. P. TRANSPORTATION, INC., 453 Versailles Road, Frankfort, Kentucky 40601. Representative: George M. Catlett, Suite 708, McClure Building, Frankfort, Kentucky 40601. *Contract carrier:* irregular: *General commodities (except commodities in bulk, classes A and B explosives, household goods as defined by the Commission, commodities of unusual value, and those requiring special equipment),* between points in the U.S. (except AK and HI) restricted to the handling of traffic originating at, or destined to, the facilities of Roper Corporation, under continuing contract with Roper Corporation. *Supporting shipper:* Roper Corporation, 2207 West Station Street, Kankakee, IL 60901.

MC 115654 (Sub-3-20TA), filed August 29, 1980. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Jackie L. Hastings (same address as above). *Foodstuffs (except in bulk) and materials, equipment, and supplies used in the manufacture thereof,* between the facilities of Adams Packaging Company at Memphis, TN and its commercial zone, on the one hand, and, on the other, points in AL, AR, GA, IL, IN, KY, LA, MO, MS, OH, WV, that part of MI on and south of MI Hwy 21, that part of WI on and south of U.S. Hwy 10, that part of VA on and west of U.S. Hwy 21, that part of NC on and west of U.S. Hwy 29, that part of SC on and west of U.S. Hwy 21 beginning at the NC-SC state line to Columbia, SC and then Hwy 20 from Columbia to the SC-GA state line, and Kansas City, KS. *Supporting shipper:* Adams Packing Association, Inc., P.O. Box 37, Auburndale, FL 33823.

MC 135895 (Sub-3-14TA), filed August 29, 1980. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, Wynn, Bogen & Mitchell, P.O. Box 1295, Greenville, MS 38701. (1) *Paper and paper articles and* (2) *material, equipment and supplies* *used in the manufacture, sale and distribution of paper and paper articles (except commodities in bulk and those requiring special equipment),* between the facilities of American Can Company in AL and MS, on the one hand, and, on the other, points in and east on ND, SD, NE, CO, and NM. *Supporting shipper:* American Can Company, P.O. Box 1699, Meridian, MS 39301.

MC 150573 (Sub-3-2TA), filed August 29, 1980. Applicant: BENJAMIN J. KENNEDY, d.b.a. BEN KENNEDY TRUCKING COMPANY, Weston Road, P.O. Box 13, Preston, GA 31824. Representative: C. E. Walker, P.O. Box 1085, Columbus, Georgia 31902. *Agricultural lime, lime materials, lime granulars and landplaster, in bulk in dump vehicles,* from Taylor, Hamilton, and Jackson Counties, FL, and Lee County, AL, to points in GA, on and south of Highway I-85 between the AL-GA State Line and Atlanta, GA, inclusive, and on the south of Highway I-20, between Atlanta and Augusta, GA. Also, from Taylor, Hamilton and Jackson Counties, FL, to points in AL, on and east of Highway I-65 between Mobile and Montgomery, AL, inclusive, and on and south of Highway I-85 between Montgomery and the AL-GA, State Line. *Supporting shipper:* Farmers Dolomite Lime Company, P.O. Box 1018, Moultrie, GA 31768.

MC 146646 (Sub-3-27TA), filed August 28, 1980. Applicant: BRISTOW TRUCKING CO., INC., P.O. Box 6355 A, Birmingham, AL 35217. Representative: James W. Segrest (same address as applicant). *(1) Charcoal, Wood Chips, Vermiculite, Lighter Fluid, Wax Impregnated and Compressed Sawdust Fireplace Logs (2) Materials, Equipment and Supplies used in the manufacture, distribution and sale of such commodities in (1) above (except commodities in bulk).* Between points in the U.S. (except AK and HI). Restricted to traffic moving from, to, and between the facilities of Kingsford Company. *Supporting shipper:* The Kingsford Company, P.O. Box 1033, Louisville, KY 40201.

MC 109708 (Sub-3-10TA), filed September 4, 1980. Applicant: INDIAN RIVER TRANSPORT COMPANY, INC., P.O. Box AG, Dundee, FL 33838. Representative: John J. Harned (same address as above). *Liquid Foodstuffs and Liquid Edible Food By-Products, in Bulk in Tank Vehicles,* Between Cowety, GA on the one hand and points in the U.S. in and East of ND, SD, NE, KS and TX, on the other. Supporting shipper: Nature's Best Food Products, Inc. 50 Amlajack Blvd. Shenandoah, GA 30265.

MC 120307 (Sub-3-2TA), filed September 4, 1980. Applicant: MORVEN FREIGHT LINES, INC., P.O. Box 718, Wadesboro, NC 28170. Representative: H. P. Taylor, Jr., P.O. Box 593, Wadesboro, NC 28170. *Sand, gravel and stone in bulk* between points in NC and SC. Supporting shipper: B. F. Hedrick Gravel & Sand Co., Box 8, Lilesville, NC 28091.

MC 121568 (Sub-3-15TA), filed August 29, 1980. Applicant: HUMBOLDT EXPRESS, INC., 345 Hill Ave., Nashville, TN 37211. Representative: James G. Caldwell (same address as above). *Oil and air filters elements and units and the materials, supplies, and equipment used in the manufacture and distribution of these commodities (except in bulk)* between Albion, IL on the one hand and on the other, points in the states of TN, NC, SC, GA, FL, MS, LA, TX, AR, and OK. Supporting shippers: Luber Finer, Inc., P.O. Box 8, Albion, IL and Champion Laboratories, Inc., 4th & Walnut, Albion, IL 61806. Applicant intends to tack with MC 121568 and interline at Memphis, TN, and Nashville, TN, and other authorized points.

MC 126679 (Sub-3-2TA), filed August 28, 1980. Applicant: DENNIS TRUCK LINES, INC., P.O. Box 189, Vidalia, GA 30474. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. *Building Materials and Concrete Products,* between points in Brunswick, GA and Terry, MS on the one hand and on the other, points in the U.S. East of the Mississippi River, LA and TX. Supporting shipper: Concrete Products, Inc., P.O. Box 130, Brunswick, GA.

MC 31675 (Sub-3-11TA), filed August 28, 1980. Applicant: NORTHERN FREIGHT LINES, INC., P.O. Box 34303, Charlotte, NC 28234. Representative: Garland V. Moore (same address as above). *Empty metal cans* between Winston-Salem, NC, on the one hand, and, on the other, Memphis and Collierville, TN. Supporting shipper(s): Jos. Schlitz Brewing Company, 235 West Galena Street, Milwaukee, WI 53212.

MC 145794 (Sub-3-2TA), filed August 29, 1980. Applicant: ARDS TRUCKING COMPANY, INC., P.O. Box 362, Darlington, SC 29532. Representative: C. Allen Ard, 176 Doneraile Street, Darlington, SC 29532. *Aluminum containers, bottle caps, can ends, steel, aluminum and tin plate products,* between Chesterfield City., SC, on the one hand, and, on the other, points and places in NC, VA, GA, WV, MD, DE, NJ, PA, NY, FL, AL, TN, KY, OH, IN, MO, MS, LA, TX, AR, OK, KS, IL, DC, CT, RI, MA, WI, MI, MN, ND, SD, NE, IA. Supporting shipper: Crown, Cork and Seal Company, P.O. Box 792, Cheraw, SC.

MC 11220 (Sub-3-7TA), filed August 29, 1980. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, TN 38101. Representative: James J. Emigh, P.O. Box 59, Memphis, TN 38101. *(1) Carbon black and (2) materials, equipment and supplies used in its production and distribution (except in bulk)* between points in St. Mary Parish, LA, on the one hand, and, on the other, points in AL, AR, GA, IL, IN, IA, KS, KY, MI, MN, MS, MO, OH, OK, TN, WV, and WI. Supporting shipper: Ashland Chemical Company, Columbus, OH.

MC 144140 (Sub-3-4TA), filed August 29, 1980. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 158, Eustis, FL 32726. Representative: John L. Dickerson (same address as applicant). *Foodstuffs,* between Memphis, TN and points in the U.S. (except AK and HI). Supporting shipper: Adams Packing Association, Inc., P.O. Box 37, Auburndale, FL 33823.

MC 143691 (Sub-3-2TA), filed August 29, 1980. Applicant: PONY EXPRESS COURIER CORP., P.O. Box 4313, Atlanta, GA 30302. Representative: Francis J. Mulcahy, (same address as applicant). *Contract carrier:* irregular routes: *Such commercial papers, documents and written instruments (except currency and negotiable securities) as are used in the business of banks and banking institutions,* between points in the U.S., under a continuing contract with Federal Reserve Bank of Atlanta. Supporting shipper: Federal Reserve Bank of Atlanta, 104 Marietta Street, Atlanta, GA 30303.

MC 47171 (Sub-3-6TA), filed August 29, 1980. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant). *Commodities as are dealt in and used by producers and distributors of alcoholic beverages (except commodities in bulk)* between Hartford and East Hartford, CT and Releigh, NC. Supporting shipper(s): Heublein, Inc., 330 New Park Avenue, Hartford, CT 06101.

MC 144140 (Sub-3-5TA), filed August 29, 1980. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 158, Eustis, FL 32736. Representative: John L. Dickerson (same address as above). *Materials and supplies used in the manufacturing of engine driven generator sets,* between points in the U.S. in and east of MN, IA, MO, KS, OK and TX. Supporting shipper(s): Libby

Welding Company, Inc., 2201 Manchester, Kansas City, MO 64126.

MC 11207 (Sub-3-11TA), filed August 29, 1980. Applicant: DEATON, INC., P.O. Box 938, 317 Avenue W, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington D.C. 20014. *General Commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* between New Orleans, LA, on the one hand, and, on the other, points in LA. Suppporting shipper(s): Full Service Freight Forwarders, 2324 International Trade Mart, New Orleans, LA 70130, and Quast & Company, 300 Poydras Street, New Orleans, LA 70130.

MC 126679 (Sub-3-3TA), filed August 29, 1980. Applicant: DENNIS TRUCK LINES, INC., P.O. Box 189, Vidalia, GA 30474. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. *Prestressed concrete, concrete products, iron and steel articles,* between Knoxville, TN, and Jacksonville, FL, on the one hand, and points in the United States East of the Mississippi River on the other hand. Supporting shipper: Ross Prestressed Concrete, Inc., P.O. Box 6300, Knoxville, TN 37914.

MC 146451 (Sub-3-20TA), filed August 29, 1980. Applicant: WHATLEY-WHITE, INC., P.O. Box 6, Dothan, AL. Representative: Richard M. Tettelbaum, 5th Floor, Lenox Towers S, 3390 Peachtree Rd., NE, Atlanta, GA 30326. *Chemicals (except in bulk),* from Pensacola, FL; Baton Rouge, LA and Picayune, MS, to facilities of Freeman Manufacturing and Supply Co., Cleveland, OH. Supporting shipper: The Freeman Manufacturing and Supply Co., 1246 W. 70th, Cleveland, OH 44102.

MC 133920 (Sub-3-1TA), filed August 29, 1980. Applicant: HOWARD SHEPPARD, INC., P.O. Box 755, Sandersville, GA 31082. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. *Sodium Polyacrylate, in bulk tank vehicles,* from Houston, TX to points in GA. Supporting shipper: Magna Corporation, 7505 Fannin, Houston, TX 77054.

MC 151590 (Sub-3-1TA), filed August 29, 1980. Applicant: LAKE TRUCKING COMPANY, P.O. Box 142, Leesburg, FL 32748. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Contract* irregular: *Meat, meat products, meat by products and articles distributed by meat packinghouses* between Omaha, NE and Logansport, IN to points in FL, under a continuing contract with Cagle's, Inc. Supporting shipper: Cagle's, Inc., P.O. Box 800 5A, Orlando, FL 32806.

MC 115093 (Sub-3-1TA), filed September 2, 1980. Applicant: MERCURY MOTOR EXPRESS, INC., 2511 North Grady Ave. (P.O. Box 23406), Tampa, FL 33607 (33623). Representative: Francis W. McInerny, MacDonald & McInerny, P.C., 1000 Sixteenth St. NW, Washington, DC 20036. *General Commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading;* (1) Between points in KY and OH, on the one hand, and, on the other, points in AL, FL, GA and SC; (2) Between points in KY and OH, on the one hand, and, on the other, points in CT, DC, DE, MA, MD, NC, NJ, NY, PA, RI, TN, VA, and WV. Supporting shipper: There are approximately 152 statements of support which may be examined at the ICC Regional Office, Atlanta, GA.

Note.—Applicant intends to interline with other carriers at Cincinnati, Columbus and Akron, OH; Louisville and Lexington, KY.

MC 109026 (Sub-3-5TA), filed September 2, 1980. Applicant: MANNING MOTOR EXPRESS, P.O. Box 685, Westwood Ave., Glasgow, KY. 42141. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. *Automotive parts and materials, supplies and equipment used in their manufacture, sale and distribution thereof,* between Barren County, KY, and points in the U.S. Note: Applicant intends to tack this authority with MC 109026 and Subs. Supporting shipper(s): Fourteen certificates of support are attached to this application and can be reviewed at the Interstate Commerce Commission in Atlanta, GA.

MC 139207 (Sub-3-2TA), filed September 4, 1980. Applicant: McNABB-WADSWORTH TRUCKING CO., 305 S. Wilcox Drive, Kingsport, TN 37665. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street, N.W., Washington, DC 20004. *Glass and materials, supplies and equipment used in the manufacture, sale and distribution of same,* between the facilities of Fourco Glass Co., at or near, Clarksburg and Jerry Run (Taylor County), WV, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MS, CT, MA, RI, NH, VT, NY, ME, SC, TX and TN. Supporting shipper: Fourco Glass Co., A Subsidiary of AFG Industries Inc., P.O. Box 929, Kingsport, TN 37662.

MC 140484 (Sub-3-12TA), filed September 4, 1980. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same address as above). *Cheese* from Mercer, PA, to Fort Myers, FL. Supporting shipper: Laubscher Cheese Co., Inc., R.D. #4, Box 4355, Mercer, PA 16137.

MC 95540 (Sub-3-16TA), filed September 4, 1980. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, Fla. 33802. Representative: Paul E. Weaver (same address as applicant). *Frozen meat* from Tyler, TX to San Diego, Long Beach, Los Angeles, Santa Clara, Alameda and San Francisco, CA. Supporting shipper: Loggins Meat Company, 1908 East Erwin Tyler, TX 75701.

MC 144334 (Sub-3-9TA), filed September 2, 1980. Applicant: BUILDERS TRANSPORTATION CO., 3710 Tulane Road, Memphis, TN 38117. Representative: Dale Woodall, 900 Memphis Bank Building, Memphis, TN 38103. *Metal and metal articles, building materials, and pipe* between points in OK and TX on the one hand, and on the other, points, in AR, TN, MS, AL and GA. Supporting shippers: There are 14 statements of support attached to this application which may be examined at the ICC Regional Office in Atlanta, GA.

MC 113861 (Sub-3-2TA), filed September 3, 1980. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Avenue, Memphis, TN 38101. Representative: James N. Clay, III, 2700 Sterick Building, Memphis, TN 38103. *Petroleum and petroleum products, in bulk in tank vehicles,* from Memphis, TN to points in AR. Supporting shipper: Delta Refining Company, 543 W. Mallory, Memphis, TN 38109.

MC 151724 (Sub-3-1TA), filed September 3, 1980. Applicant: OLD DOMINION FREIGHT LINE, INC., P.O. Box 2006, 1791 Westchester Drive, High Point, North Carolina 27261. Representative: Kim D. Mann, 7101 Wisconsin Avenue, Suite 1010, Washington, D.C. 20014. *Contract carrier: Irregular routes: General commodities (except household goods as defined by the Commission and classes A and B explosives)* from Newnan, GA to points in FL, under continuing contracts with K-Mart Corporation. Supporting shipper: K-Mart Corporation, 3100 West Big Beaver, Troy, MI 48084.

MC 151447 (Sub-3-1TA), filed August 5, 1980. Republication—Orginally published in **Federal Register** of 08-18-80, page 54890, Volume 45, No. 161. Applicant: BUCK EXPRESS, DIVISION

OF ROGERS PICK UP & DELIVERY SERVICE, 601 Echo Lane, Woodstock, GA 30188. Representative: Danny H. Rogers (same address as applicant). *Contract carrier:* irregular: *Cleaning chemicals, (except chemicals in bulk),* from Cobb County, GA to all points in SC. Under a continuing contract with ATCO Manufacturing, Marietta, GA. Supporting shipper: ATCO Manufacturing, Marietta, GA.

MC 143059 (Sub-3-15TA), filed September 3, 1980. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. *Machinery, equipment, materials, and supplies used in connection with the contruction, operation, repair, and maintenance of nonferrous metals mines and mills,* from points in the U.S. (except AK and HI) to points in Reynolds County, MO. Supporting shipper: ASARCO Incorporated, 611 Olive St., Suite 1755, St. Louis, MO 63101.

MC 151377 (Sub-3-2TA), filed August 29, 1980. Applicant: BRUCE JOHNSON TRUCKING COMPANY, INC., 3408 North Graham Street, P.O. Box 5647, Charlotte, NC 28225. Representative: Charles Ephraim, Suite 406, 908 Sixteenth Street, NW. Washington, D.C. 20006. *Contract Carrier:* irregular routes: *Prestressed Concrete Slabs* between points in Wake County, NC, on the one hand, and, on the other points in Roanoke County, VA. Supporting shipper: Carolina Steel Corporation, P.O. Box 26928, Raleigh, NC 27611. Under a continuing contract with Carolina Steel Corporation.

MC 151553 (Sub-3-1TA), filed August 11, 1980. Applicant: CRUM TRANSPORT, INC., 2130 S.E. 5th St., Ocala, FL 32670. Representative: Felix A. Johnston, Jr., 1030 E. Lafayette St., Suite 112, Tallahassee, FL 32301. *Citrus pulp and citrus pellets, animal feed additive and inedible animal tallow;* between points in the state of FL for export. Supporting shippers: Tampa Soap & Chemical Corp., 1001 N. Orient Rd., P.O. Box 1181, Tampa, FL 33601; The Coca-Cola Company Foods Division, P.O. Box 247, Auburndale, FL 33823; Plymouth Citrus Products Cooperative, P.O. Box 367, Plymouth, FL 32768; Silver Springs Citrus Cooperative, P.O. Box 155, Howey in the Hills, FL 32737, Florida Orange, Ft. Meade, FL.

MC 2253 (Sub-3-4TA), filed September 4, 1980. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, P.O. Box 697, Cherryville, North Carolina 28021. Representative: J. S. McCallie, P.O. Box 697, Cherryville, North Carolina 28021. *Common carrier:* Regular routes: *General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment:* (1) Between Atlanta, GA, and Fort Worth, TX, over Interstate Hwy 20, serving junction U.S. Hwy 80 and Interstate Hwy 20 near Kewanee, MS, junction U.S. Hwys 31 and 11 at Birmingham, AL, and the off-route point of Cuba, AL for purposes of joinder only. (2) Between New Orleans, LA, and Houston, TX over Interstate Hwy 10, serving the intermediate points of Baton Rouge, LA, and Orange and Beaumont, TX. (3) Between Atlanta, GA, and Mobile, AL: From Atlanta over U.S. Hwy 29 to junction U.S. Hwy 80, then over U.S. Hwy 80 to junction U.S. Hwy 31 then over U.S. Hwy 31 to Mobile, and return over the same route, serving all intermediate points and the off-route point of River View, AL. (4) Between Montgomery, AL, and junction U.S. Hwy 80 and Interstate Hwy 20 near Kewanee, MS, over U.S. Hwy 80, serving junction U.S. Hwy 80 and Interstate Hwy 20 near Kewanee, MS for purposes of joinder only. (5) Between junction U.S. Hwys 31 and 84, and Opp, AL, over U.S. Hwy 84, serving all intermediate points. (6) Between Pensacola, FL, and Flomaton, AL, over U.S. Hwy 29, serving all intermediate points. (7) Between Mobile, AL, and New Orleans, LA, over U.S. Hwy 90, serving all intermediate points. (8) Between Mobile, AL, and Pensacola, FL, over U.S. Hwy 90. (9) Between Atlanta, GA, and Lexington, KY: From Atlanta over Interstate Hwy 75 to junction U.S. Hwy 60, then over U.S. Hwy 60 to Lexington, and return over the same route, serving the intermediate point of Chattanooga, TN unrestricted, and serving junction Interstate Hwys 40 and 75 at Knoxville, TN for purpose of joinder only. (10) Between Boston, MA, and Concord, NH, over U.S. Hwy 3, serving the intermediate points of Manchester and Nashua, NH, and the off-route points of Derry, Goffstown, Salem, and Londonderry, NH. (11) Between Boston, MA, and Augusta, ME: From Boston over U.S. Hwy 1 to junction ME Hwy 100, then over ME Hwy 100 to junction U.S. Hwy 202, then over U.S. Hwy 202 to Augusta, and return over the same route, serving the intermediate points of Portsmouth, NH and Kittery, Wells, Biddeford, Portland, Auburn, and Lewiston, ME and the off-route points of Exeter, Dover, North Hampton, and Hampton Beach, NH, and Brunswick, Rockland, York Beach, York Village, Wells Beach, Morrill, and Sanford, ME. (12) Between Rockford, IL, and Madison, WI, over U.S. Hwy 51, serving the intermediate points of Beloit, McFarland, Janesville, Stoughton, Albion, Edgerton, and Indian Ford, WI, and Roscoe, IL, and the off-route points of Oregon, Union, Evansville, Leyden, Nora, Cambridge, Rockdale, Utica, Deerfield, and Fort Atkinson, WI, and Rockton, IL. (13) Between Cincinnati, OH, and Asheville, NC: From Cincinnati over U.S. Hwy 25 to junction U.S. Hwy 25E, then over U.S. Hwy 25E to junction U.S. Hwy 25, then over U.S. Hwy 25 to Asheville, and return over the same route, serving all intermediate points. (14) Between Lexington, KY, and Winston-Salem, NC: From Lexington over U.S. Hwy 60 to junction KY Hwy 15, then over KY Hwy 15 to junction U.S. Hwy 119, then over U.S. Hwy 119 to junction U.S. Hwy 23, then over U.S. Hwy 23 to junction U.S. Hwy 11W, then over U.S. Hwy 11W to junction U.S. Hwy 421, then over U.S. Hwy 421 to Winston-Salem, and return over the same route, serving all intermediate points. (15) Between Cincinnati, OH, and Louisville, KY: (a) Over Interstate Hwy 71, and (b) From Cincinnati over U.S. Hwy 25 to junction U.S. Hwy 60, then over U.S. Hwy 60 to Louisville, KY, and return over the same route, serving the intermediate point of Lexington, KY and the off-route points of Versailles, Georgetown, Nicholasville, Wilmore, Shelbyville, Frankfort, and Midway, KY. (16) Between Louisville, KY, and Evansville, IN: From Louisville over Interstate Hwy 65 to junction Interstate Hwy 64, then over Interstate Hwy 64 to junction U.S. Hwy 231, then over U.S. Hwy 231 to junction IN Hwy 62, then over IN Hwy 62 to Evansville, and return over the same route, serving the intermediate points of New Albany and Boonville, IN, and the off-route points of Huntingburg and Jasper, IN. (17) Between Louisville, KY, and Nashville, TN over U.S. Hwy 31W, serving all intermediate points except those between Louisville and Elizabethtown, KY. (18) Between Elkhart, IN, and Van Wert, OH: From Elkhart over U.S. Hwy 33 to junction U.S. Hwy 30, then over U.S. Hwy 30 to junction U.S. Hwy 127, then over U.S. Hwy 127 to Van Wert, and return over the same route, serving the intermediate point of Fort Wayne, IN. (19) Between Toledo, OH, and Chicago, IL, over U.S. Hwy 20, serving all intermediate points. (20) Between Chicago, IL, and Cincinnati, OH: From Chicago over U.S. Hwy 41 to junction U.S. Hwy 52, then over U.S. Hwy 52 to Cincinnati, and return over the same route, serving all intermediate points. (21) Between Bowling Green, KY, and

Hopkinsville, KY, over U.S. Hwy 68, serving all intermediate points. (22) Between Indianapolis, IN, and Cincinnati, OH: (a) From Indianapolis over U.S. Hwy 421 to junction U.S. Hwy 50, then over U.S. Hwy 50 to Cincinnati, and return over the same route, serving all intermediate points, and (b) From Indianapolis over U.S. Hwy 40 to junction U.S. Hwy 127, then over U.S. Hwy 127 to Cincinnati, and return over the same route, serving all intermediate points. (23) Between Chicago, IL and St. Louis, MO over U.S. Hwy 66 (Interstate Hwy 55), serving all intermediate points. (24) Between Versailles, IN, and St. Louis, MO, over U.S. Hwy 50, serving all intermediate points. (25) Between Indianapolis, IN, and St. Louis, MO, over U.S. Hwy 40, serving all intermediate points. (26) Between Chicago, IL, and Effingham, IL: From Chicago over Interstate Hwy 55 to junction U.S. Hwy 45, then over U.S. Hwy 45 to Effingham, and return over the same route, serving all intermediate points. (27) Between Chicago, IL, and Urbana, IL: From Chicago over IL Hwy 1 to junction U.S. Hwy 150, then over U.S. Hwy 150 to Urbana, and return over the same route, serving all intermediate points. (28) Between Watseka, IL, and Springfield, IL: From Watseka over U.S. Hwy 24 to junction IL Hwy 29, then over IL Hwy 29 to Springfield, and return over the same route, serving all intermediate points.

(29) Between Chicago, IL, and Davenport, IA: (a) From Chicago over IL Hwy 50 to junction U.S. Hwy 6, then over U.S. Hwy 6 to Davenport, and return over the same route, serving all intermediate points, and (b) From Chicago over U.S. Hwy 20 to junction IL Hwy 2, then over IL Hwy 2 to junction IL Hwy 88, then over IL Hwy 88 to junction IL Hwy 92, then over IL Hwy 92 to junction Interstate Hwy 80 to Davenport, and return over the same route, serving all intermediate points. (30) Between Chicago, IL and junction IL Hwys 92 and 88: From Chicago over U.S. Hwy 34 to junction IL Hwy 92, then over IL Hwy 92 to junction IL Hwy 88 and return over the same route, serving all intermediate points. (31) Between Davenport, IA, and Springfield, IL: From Davenport over U.S. Hwy 67 to junction IL Hwy 125, then over IL Hwy 125 to Springfield, and return over the same route, serving all intermediate points. (32) Between Indianapolis, IN, and junction U.S. Hwys 6 and 150 near Moline, IL: From Indianapolis over U.S. Hwy 136 to junction U.S. Hwy 150, then over U.S. Hwy 150 to junction U.S. Hwy 6 near Moline, IL, and return over the same route, serving all intermediate points. (33) Between Indianapolis, IN, and Springfield, IL, over U.S. Hwy 36, serving all intermediate points. (34) Between Cincinnati, OH, and Washington, DC: (a) Over U.S. Hwy 50, serving all intermediate points, and (b) From Cincinnati over U.S. Hwy 52 to junction U.S. Hwy 11, then over U.S. Hwy 11 to junction U.S. Hwy 211, then over U.S. Hwy 211 to Washington, and return over the same route, serving all intermediate points. (35) Between junction U.S. Hwys 11 and 211, and Winchester, VA, over U.S. Hwy 11, serving all intermediate points. (36) Between Huntington, WV, and junction U.S. Hwys 60 and 11, over U.S. Hwy 60, serving all intermediate points. (37) Between Lexington, VA, and Norfolk, VA, over U.S. Hwy 60, serving the intermediate point of Richmond, VA. (38) Between Dallas, TX, and Memphis, TN: From Dallas over Interstate Hwy 30 to junction Interstate Hwy 40, then over Interstate Hwy 40 to Memphis, and return over the same route, serving the intermediate points of Texarkana, TX, and Little Rock, AR, and the off-route points of Forrest City and Pine Bluff, AR. (39) Between Little Rock, AR, and St. Louis, MO, over U.S. Hwy 67. (40) Between Memphis, TN, and St. Louis, MO, over Interstate Hwy 55, serving the junction of Interstate Hwys 55 and 57 for purposes of joinder only and the off-route points of Jonesboro and Paragould, AR. (41) Between Houston, TX, and San Antonio, TX over Interstate Hwy 10. (42) Between San Antonio, TX, and Dallas, TX: From San Antonio over Interstate Hwy 35 to junction Interstate Hwy 35E, then over Interstate Hwy 35E to Dallas, and return over the same route. (43) Between Memphis, TN, and junction Interstate Hwys 40 and 75 at Knoxville, TN, over Interstate Hwy 40, serving the intermediate point of Nashville, TN. (44) Between Montgomery, AL, and Nashville, TN: From Montgomery over U.S. Hwy 82 to junction U.S. Hwy 31, then over U.S. Hwy 31 to Nashville, and return over the same route, serving the off-route point of Athens, AL and the junction of U.S. Hwys 31 and 11 at Birmingham, AL for purposes of joinder only.

(45) Between New Orleans, LA, and Memphis, TN: From New Orleans over Interstate Hwy 10 to junction Interstate Hwy 55, then over Interstate Hwy 55 to Memphis, and return over the same route, serving the intermediate point of Jackson, MS and the off-route points of Canton, MS and Baton Rouge, LA. (46) Between Chattanooga, TN, and junction U.S. Hwys 11 and 31 at Birmingham, AL, over U.S. Hwy 11. (47) Between junction Interstate Hwys 40 and 75 at Knoxville, TN, and Wytheville, VA: From junction Interstate Hwys 40 and 75 at Knoxville over Interstate Hwy 40 to junction Interstate Hwy 81, then over Interstate Hwy 81 to Wytheville, VA, and return over the same route, serving the off-route points of Witt and Bristol, TN. (48) Between Winchester, VA, and Chambersburg, PA, over U.S. Hwy 11. (49) Between Houston, TX, and Texarkana, TX, over U.S. Hwy 59, serving the off-route points of Shreveport, LA. (50) Between Nashville, TN, and Earl Park, IN: From Nashville over U.S. Alternate Hwy 41 to junction U.S. Hwy 41, then over U.S. Hwy 41 to Earl Park, and return over the same route, serving the intermediate points of Hopkinsville, KY, and Evansville, Vincennes, Terre Haute, Rockville, and Veedersburg, IN. (51) Between Chattanooga, TN, and Nashville, TN, over Interstate Hwy 24. (52) Between Memphis, TN, and Russellville, KY, over U.S. Hwy 79. (53) Between New Orleans, LA, and junction U.S. Hwy 80 and Interstate Hwy 20 near Kewanee, MS: From New Orleans over Interstate Hwy 10 to junction Interstate Hwy 59, then over Interstate Hwy 59 to junction Interstate Hwy 20, then over Interstate Hwy 20 to junction U.S. Hwy 80, and return over the same route. (54) Between Columbus, GA, and Memphis, TN: From Columbus over U.S. Hwy 280 to junction U.S. Hwy 31, then over U.S. Hwy 31 to junction U.S. Hwy 11, then over U.S. Hwy 11 to junction U.S. Hwy 78, then over U.S. Hwy 78 to Memphis, and return over the same route, serving junction U.S. Hwys 31 and 11 and the intermediate point of Bexar, AL for purposes of joinder only and the intermediate point of Opelika, AL. (55) Between Nashville, TN, and Salem, IL: From Nashville over Interstate Hwy 24 to junction Interstate Hwy 57, then over Interstate Hwy 57 to junction U.S. Hwy 50, then over U.S. Hwy 50 to Salem, and return over the same route, serving junction Interstate Hwys 24 and 57 for purposes of joinder only and the off-route point of Hopkinsville, KY. (56) Between junction Interstate Hwys 55 and 57 and junction Interstate Hwys 24 and 57, over Interstate Hwy 57. (57) Between Baton Route, LA, and Little Rock, AR: From Baton Rouge over U.S. Hwy 61 to junction U.S. Hwy 65, then over U.S. Hwy 65 to Little Rock, and return over the same route, serving the intermediate point of Pine Bluff, AR and the off-route points of Jackson, MS and Monroe, LA. (58) Between Lexington, KY, and Huntington, WV, over Interstate Hwy 64. Supporting shippers: There are 217 statements of support attached to this application which may

be examined at the I.C.C. Regional Office in Atlanta, GA.

Note.—In connection with Routes (1)–(58), applicant seeks to: (1) Serve the commercial zones of all proposed service points, (2) Join the authority sought at common points and join the authority sought with carrier's existing certificate of public convenience and necessity at common points in order to perform through carriage, and (3) Interline with other carriers at St. Louis, MO, Memphis, Chattanooga, and Nashville, TN, Dallas, Fort Worth, Houston, San Antonio, and Texarkana, TX, Louisville and Lexington, KY, Mobile, AL, Little Rock, AR, New Orleans, Shreveport and Monroe, LA, and Jackson, MS.

MC 151316 (Sub-3-2TA), filed July 29, 1980. Applicant: AERO DISTRIBUTING CO., INC., 4814 Fulton Industrial Blvd., Atlanta, GA 30336. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. *Scrap, manufactured and reprocessed plastic,* between the facilities of Southeastern Polymers, Inc., at Fulton County, GA, on the one hand, and, on the other, points in TX, OK, AR, LA, MO, KY, MS, TN, AL, WV, VA, NC, SC and GA. Supporting shipper: Southeastern Polymers, Inc., 55 Enterprise Blvd., Atlanta, GA 30336.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-28835 Filed 9-16-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register.** Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the peititioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides in part that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. § 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication or the application shall stand denied.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce over irregular routes, except as otherwise noted.

Volumes No. 332 and 334

Decided: September 11, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

MC 35883 (Sub-1F), filed June 25, 1980. Applicant: AMERICAN EAGLE MOTOR COACH, INC., 72 Sycamore St., Fairhaven, MA 02719. Representative: Robert J. Brooks, 1828 L St., NW, Suite 1115, Washington, DC 20036. Over *regular routes* transporting *passengers and their baggage, and express and mail* in the same vehicle with passengers, between New Bedford and Boston, MA: from New Bedford over MA Hwy 140 to junction MA Hwy 24, then over MA Hwy 24 to junction MA Hwy 128, then over MA Hwy 128 to junction MA Hwy 3, then over MA Hwy 3 to Boston, and return over the same route.

MC 103993 (Sub-1046F), filed April 28, 1980. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). Transporting *trailers* (except those designed to be drawn by passenger automobiles), between the facilities of Roach, Inc., at or near Concord, NC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 120633 (Sub-5F), filed April 22, 1980. Applicant: SPECIALIZED CARRIERS, INC., d.b.a. KISZKIEL TRUCKING, 7119 Wright Rd., Houston, TX 77041. Representative: Joe G. Fender, 711 Louisiana, Suite 1150, Houston, TX 77002. Transporting *iron and steel articles, and machinery, equipment, materials, and supplies* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, between points in TX, on the one hand, and, on the other, points in LA and OK.

MC 147323 (Sub-11F), filed April 21, 1980. Applicant: HADDAD TRANSPORTATION, INC., 5000 Wyoming Ave., Dearborn, MI 48126. Representative: John P. Haddad (same address as applicant). Transporting (1) *iron and steel articles,* and (2) *equipment, materials, and supplies* used in the manufacture, production, and distribution of the commodities in (1) above (except commodities in bulk), between the facilities of Paragon Steel Company at Atlanta, GA and Nashville, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the named facilities.

MC 148582 (Sub-1F), filed April 29, 1980. Applicant: GUNVILLE TRUCKING, INC., d.b.a. GUNVILLE TRUCKING, a corporation, P.O. Box 74, Niagara, WI 54151. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. *Contract carrier* transporting: *coal* from Escanaba and Gladstone, MI, to Niagara, WI, under continuing contract(s) with Niagara of Wisconsin Paper Corporation, of Niagara, WI.

MC 150903 (Sub-1F), filed June 12, 1980. Applicant: H-N TRUCKING CO., INC., 886 Cranston St., Cranston, RI 02920. Representative: Richard M. Peirce, Ten Dorrance St., Providence, RI 02903. Transporting *alcoholic beverages, wines, beverages, carbonated and non-carbonated, juices and sirups, and dry mixers for beverages, containers and container accessories, in bulk,* between points in CT, DE, KY, ME, MD, MA, NH, NJ, NY, NC, PA, RI, VT, VA, and WV.

MC 123263 (Sub-17F), filed December 6, 1979, published in the **Federal Register** issue of April 8, 1980, and republished, as corrected, this issue. Applicant: FLOYD R. WANGERIN and LORRAINE C. WANGERIN, d.b.a. WANGERIN TRUCKING CO., R.R. 2, Stephenson, MI 49887. Representative: Michael S. Varda, 121 South Pinckney St., Madison, WI 53703. Transporting (1) *dairy-based products, flour products, paste, and soy products* (except in bulk), from Hager City, WI, to points in IL, IN, IA, KY, MI, MO, and OH; and (2) *animal mineral feed,* in bags, from Bloomington, IL, to points in IN, IA, KY, OH, and the Lower Peninsula of MI. The purpose of this republication is to correct the commodity description in (1) above (insert "dairy-based products" in lieu of "pet foods").

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-28639 Filed 9-16-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 C.F.R. 1100.247. Special rule 247 was published in the **Federal Register** on July 3, 1980, at 45 F.R. 45539.

Persons wishing to oppose an application must follow the rules under 49 C.F.R. 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, fitness, water carrier duel operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPI-031

Decided: Sept. 10, 1980.

By the Commission, Review Board Number 3, Members Parker, Fortier and Hill.

MC 115821 (Sub-54F), filed September 2, 1980. Applicant: BEELMAN TRUCK CO., a Delaware Corporation, P.O. Box 93, St. Library, IL 62282. Representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, MO 63101. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government between points in the U.S.

MC 119441 (Sub-51F), filed August 28, 1980. Applicant: BAKER HI-WAY EXPRESS, INC., P.O. Box 506, 555 Commercial Parkway, Dover, OH 44622. Representative: Richard H. Brandon, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 123091 (Sub-35F), filed September 2, 1980. Applicant: NICK STRIMBU, INC., 3500 Parkway Road, Brookfield, OH 44403. Representative: James Duvall, P.O. Box 97, 220 W. Bridge Street, Dublin, OH 43017. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 131001F, filed August 28, 1980. Applicant: INTERMODAL NETWORK, INC., 53 West Jackson Boulevard, Chicago, IL 60604. Representative: James A. Larimore (same address as applicant). As a *broker*, to arrange for the transportation of *general commodities* (except household goods), between points in the U.S.

MC 145300 (Sub-6F), filed September 2, 1980. Applicant: MINUTE MAN TRANSIT, INC., 24 Williams Street, Dedham, MA 02026. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 146180 (Sub-5F), filed August 29, 1980. Applicant: QUALITY EXCHANGE, INC., Route 4, Box 459-A, Kings Mountain, NC 28086. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, DC 20005. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 147021 (Sub-5F), filed September 2, 1980. Applicant: C. SUMMERS, INC., 112 Spruce Street, Elizabethville, PA 17023. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

MC 150161 (Sub-1F), filed August 28, 1980. Applicant: TRANS COURIER SYSTEMS, INC., 470 Torrey St., Brockton, MA 02401. Representative: Lawrence R. Ovian (same address as applicant). Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 151461 (Sub-1F), filed September 4, 1980. Applicant: B. J. K., CORP., 414 Park Drive, Grand Forks, ND 58201. Representative: David C. Britton, 1425 Cottonwood Street, Grand Forks, ND 58201. Transporting *food and other edible products (including edible byproducts but excluding alcoholic beverages and drugs) intended for human consumption, agricultural limestone and other soil conditioners, and agricultural fertilizers,* if such transportation is provided with the owner of the motor vehicle in such vehicle, except in emergency situations, between points in the U.S.

MC 151670F, filed August 25, 1980. Applicant: MIDWEST TRUCK SERVICE, INC., 6040 Kansas Ave., Lot 9, Kansas City, KS 66111. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. Transporting *general commodities,* between Santa Rosa, Tucumcari, Logan, Maravisa, and Endee, NM, Stratford, Glenrio, Adrian, Vega, Wildorado, Amarillo, Alanreed, McLean, Shamrock, St. Francis, Fritch, Sunray, Etter, Brum, Wilco, Stinnett, Pringle, Morse, Gruver, Dalhart, Irving, Dallas, Waxahachie, Corsicana, Teague, Newby, Normangee, Tomball, Houston, Texas City, Galveston, Fort Worth, Graham, Jacksboro, Bowie, Ringgold, and Mexia, TX, Texalo, Sayre, Elk City, Clinton, Weatherford, Bridgeport, Texhoma, Hitchland, Hardesty, Guymon, Mangum, Grantie, Hobart, Carnegie, Anadarko, Apache, Chickasha, Marlow, Duncan, Comanche, Homestead, Alva, Ingersoll, Enid, Billings, Ponca City, Augusta, Kingfisher, El Reno, Oklahoma City, Shawnee, Seminole, Wewoka, Holdenville, McAlester, Haileyville, Hartshorne, Wilburton, Wister, Howe, Medford, Warren, Geary, Okeene, Fort Bill, Verden, Lawton, Walter, Temple, Waurika, and Terral, OK, Eunice, Lecompte, Alexandria, Winnfield, Jonesboro, Hodge, Ruston, Dubach, Bernice, and Junction City, LA, Eldorado, Camden, Crossett, Hermitage, Mace, Banks, Kingman, Fordyce, Carthage, Sparkman, Malvern, Hot Springs, Haskell, Benton, Little Rock, Bauxite, North Little Rock, Carlisle, Hazen, Des Arc, Mesa, DeValls Bluff, Brinkley, Wheatley, Forest City, West Memphis, Edmondson, Stuttgart, Roland, Bigelow, Perry, Cla, Booneville, Mansfield, and Hartford, AR, Kansas City, Southlea, Pleasant Hill, Windsor, Hay, Versaille, Eldon, Meta, Gasconde, Belle, Owensville, Union, Labadie, St. Louis, Liberty, Excelsior Springs, Polo, St. Joseph, Clarksdale, Maysville, Wetherby, Altamont, Coburn, Trenton, and Princeton, MO, Caldwell, Wellington, Wichita, Peabody, Marion, Harrington, Liberal, Plains, Meade, Fowler, Mineola, Bucklin, Dodge City, Greensburg, Pratt, Hutchinson, Medora, McPherson, Salina, White City, Alta Vista, Goodland, Colby, Norton, Phillipsburg, Smith Center, Mankato, Belleville, Cuba, Clyde, Clifton, Clay Center, Riley, Manhattan, McFarland, Topeka, Holton, Horton, Troy, Atchison, and Kansas City, KS, Burlington, Stratton, Flaglea, Arriba, Limon, Simla, Roman, Calhan, Colorado Springs, and Denver, CO, Thompson, Ruskin, Deshler, Hebron, Fairbury, Jansen, Witt, Lincoln, South Bend, Omaha, and Beatrice, NE, Council Bluffs, Shelby, Oakland, Avoca, Audubon, Walnut, Menlo, Stuart, Winterset, Indianola, Chariton, Corydon, Allerton, Seymore, Centerville, Eldon, Ottumwa, Evans, Pella, Monroe, Des Moines, Colfax, Newton, Grimmell, Brooklyn, Marengo, Iowa City, West Liberty, Stockton, Davenport, Clinton, Fairfield, Keosauqua, South Burlington, Buffalo Center, Burlington, Mount Zion, Keokuk, Washington, Ainsworth, Columbus Jct., Nichols, Muscatine, Wilton, Elmira, Cedar Rapids, West Union, Oelwein, Vinton, Waterloo, Cedar Falls, Nevada, McCallsburg, Renwick, Iowa Falls, Hampton, Mason City, Maysfield, Manly, Dows, Belmond, Titonka, Armstrong, Northwood, Emmetsburg, Estherville, Spirit Lake, Lake Partk, Gowrie, Hanson, Pocohontas, Hartley, and Sibley, IA, Elsworth, Worthington, Lismore, Albert Lea, Hollandale, Clarks Grove, Owatona, Faribault, Northfield, Farmington, West St. Paul, and St. Paul, MN, Rock Island, Milan, Moline, East Moline, Silvis, Colona, Geneseo, Sheffield, Bureau, Tonlon, Henry, Chillicothe, Peoria, Pekin, Lasalle, Ottawa, Joliet, Elwood, and Chicago, IL, and Memphis, TN, on the one hand, and on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 151671F, filed August 25, 1980. Applicant: WESTGATE HOMES, INC., P.O. Box 145, Stephenville, TX 76401. Representative: Thomas F. Sedberry, P.O. Box 2165, Austin, TX 78768.

Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

Volume No. OP2-041

Decided: September 11, 1980.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

MC 151653 (Sub-1F), filed September 3, 1980. Applicant: GLOSSON ENTERPRISES, INC., Route 15, Box 55, Lexington, NC 27292. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, DC 20005. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the U.S. government, between points in the U.S.

MC 151702F, filed August 28, 1980. Applicant: CHOICE COURIER SYSTEMS, INC., 831 Third Avenue, New York, NY 10022. Representative: Eric J. Bergknoff, Suite 600, 1920 E. Hallandale Beach Boulevard, Hallandale, FL 33009. Transporting *shipments weighing 100 pounds or less*, if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-28640 Filed 9-16-80; 8:45 am]

BILLING CODE 7035-01-M

[Volume 254]

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 80-22568 appearing at page 50430 in the issue of Tuesday, July 29, 1980, please make the following corrections:

(1) On page 50445, third column, in MC 144630 (Sub-46F), line 9, the fourth abbreviation, "MN" should be corrected to read "NJ".

(2) On page 50455, first column, last paragraph, line 1, "MC 121568 (Sub-31F)" should be corrected to read "MC 121568 (Sub-32F)."

(3) On page 50462, third column, third complete paragraph, line 1, "MC 11098 (Sub-412F)" should be corrected to read "MC 110988 (Sub-421F)".

(4) On page 50466, first column, fourth complete paragraph, line 1, "MC 142883 (Sub-14F)"should be corrected to read "MC 142883 (Sub-15F)".

BILLING CODE 1505-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-72]

Certain Turning Machines and Components Thereof; Commission Hearing on the Presiding Officer's Recommendation and on Relief, Bonding and the Public Interest, and the Schedule for Filing Written Submissions

AGENCY: U.S. International Trade Commission.

ACTION: The Scheduling of Oral Argument and Briefing for Investigation No. 337-TA-72, Certain Turning Machines and Components Thereof.

Notice is hereby given that the presiding officer has filed his recommended determination that there is a violation of Section 337 of the Tariff Act of 1930, as amended, in the unauthorized importation and sale in the United States of the accused turning machines and components thereof. He has also certified the evidentiary record to the Commission for its consideration. Interested persons may obtain copies of the presiding officer's recommendation (and all other public documents) by contacting the Office of the Secretary to the Commission, 701 E Street, N.W., Washington, D.C. 20436.

Commission Hearing: The Commission will hold a hearing beginning at 10:00 a.m., e.d.t., on September 26, 1980, in the Commission's Hearing Room (Room 331), 701 E Street, N.W., Washington, D.C. 20436, for two purposes. First, the Commission will hear oral argument on the presiding officer's recommendation that a violation of section 337 of the Tariff Act of 1930, as amended, exists. Second, the Commission will hear presentations concerning appropriate relief, the way such relief would affect the public interest and the proper amount of the bond during the Presidential review period, in the event that the Commission determines that there is a violation of section 337. These matters will be heard on the same day in order to facilitate the completion of this investigation within time limits established under law and to minimize the burden of this hearing upon the parties. The procedures for each portion of the hearing follows.

Oral Argument: A party to the Commission's investigation or an interested agency wishing to present to the Commission an oral argument concerning the presiding officer's recommendation will be limited to no more than 30 minutes. A party or interested agency may reserve 10 minutes of its time for rebuttal. The oral arguments will be held in this order: complainants, respondents, interested agencies, and Commission investigative staff. Any rebuttals will be held in this order: respondents, complainants, interested agencies, and Commission investigative staff.

Following the oral arguments on the presiding officer's recommendation, a party to the investigation, an interested agency, a public-interest group, or any interested member of the public may make an oral presentation on relief, bonding, and the public interest.

Relief: If the Commission finds that a violation of section 337 has occurred, it may issue (1) an order which could result in the exclusion from entry of Certain Turning Machines and Components Thereof or (2) an order which could result in requiring the respondent to cease and desist from alleged unfair methods of competition or unfair acts in the importation and sale of Turning Machines and Components Thereof. Accordingly, the Commission is interested in what relief, if any, should be ordered.

Bonding: If the Commission finds that a violation of section 337 has occurred and orders some form of relief, the President has up to 60 days to approve or disapprove the Commission's report. During this period the subject articles would be entitled to enter the United States under a bond determined by the Commission and prescribed by the Secretary of the Treasury. Accordingly, the Commission is interested in what bond, if any, should be assessed.

Public Interest: If the Commission concludes that a violation of section 337 has occurred and orders some form of relief, it must consider the effect of that relief upon the public. Accordingly, the Commission is interested in the effect of any exclusion or cease and desist order upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the production of like or directly competitive articles in the United States, and (4) U.S. consumers.

Written Submissions: Parties to the Commission's investigation, interested agencies, and the Commission investigative staff are encouraged to file briefs on the issues of remedy, bonding and public interest in order to give greater focus to the questions. These briefs must be filed no later than the close of business September 19, 1980. The parties may be asked during the course of the hearing to file post-hearing briefs if necessary.

Notice of Appearance: Written requests to appear at the Commission hearing must be filed by September 19, 1980.

Additional Information: The original and 19 true copies of all briefs and written comments and any written request to participate must be filed with the Secretary to the Commission. Any person desiring to discuss confidential information, or to submit a document (or a portion thereof) to the Commission in confidence, must request *in camera* treatment unless the information has already been granted *in camera* treatment by the presiding officer. Such request should be directed to the Chairman of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. Documents or arguments reflecting confidential information approved by the Commission for *in camera* treatment will be treated accordingly. All nonconfidential written submissions will be open to public inspection at the Secretary's Office. Notice of the Commission's investigation was published in the **Federal Register** of October 24, 1979.

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: September 8, 1980.

[FR Doc. 80-28697 Filed 9-16-80; 8:45 am]

BILLING CODE 7020-02-M

[701-TA-64 (Preliminary)]

Certain Glass-Lined Steel Storage Tanks and Glass-Lined Steel Pressure Vessels, and Parts Thereof, From France; Notice of Institution of Preliminary Countervailing Duty Investigation and Scheduling of Conference

Investigation instituted. Following receipt of a petition on September 2, 1980, filed by the Pfaudler Co., Rochester, N.Y., a domestic producer of process and storage vessels for the chemical and pharmaceutical industries, the United States International Trade Commission on September 9, 1980, instituted a preliminary countervailing duty investigation under section 703 of the Tariff Act of 1930 to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of allegedly subsidized imports from France of glass-lined steel storage tanks having a capacity of over 75 gallons provided for in item 640.35 of the Tariff Schedules of the United States (TSUS) and glass-lined steel pressure vessels and parts thereof provided for in item 661.68 of the TSUS. This investigation will be subject to the provisions of part 207 of the Commission's *Rules of Practice and Procedure* (19 CFR 207, 44 FR 76457) and, particularly, subpart B thereof, effective January 1, 1980.

Written submissions. Any person may submit to the Commission on or before September 26, 1980, a written statement of information pertinent to the subject matter of the investigation. A signed original and nineteen copies of each statement must be submitted.

Any business information which a party desires to have treated as confidential must be submitted to the Commission separately, with the designation "Confidential Business Data" clearly marked at the top of each page. Confidential submissions must conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference. In connection with the investigation the Director of Operations has scheduled a conference for 10 a.m., e.d.t., on September 24, 1980, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the senior investigator, Mr. Bruce Cates (202/523-0368). The provisions for the conference restrict any oral presentations to one hour, collectively, for those parties in support of the petition for countervailing duties and another hour for parties opposed to such petition. Further details concerning the conduct of the conference may be obtained from Mr. Cates.

Inspection of the petition. The petition filed in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commission and at the New York City office of the U.S. International Trade Commission located at 6 World Trade Center.

Issued: September 10, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-28700 Filed 9-16-80; 8:45 am]

BILLING CODE 7020-02-M

LIBRARY OF CONGRESS

Copyright Office

Privacy Act of 1974; Annual Notice of Systems of Records

The Privacy Act of 1974 [5 U.S.C. 552a(e)(4)] requires agencies to publish annually in the **Federal Register** a notice of the existence and character of their systems of records. The Copyright Office last published the full text of its systems of records at 43 FR 41165, September 14, 1978. No further changes have occurred; therefore, the systems of records remain in effect as published.

The full text of the Copyright Office systems of records also appears in Privacy Act Issuances, 1979 Compilation, Volume III, page 2616. This volume may be ordered through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The price of this volume is $9.50.

Dated: August 27, 1980.

David Ladd,

Register of Copyrights.

Approved:

Daniel J. Boorstin,

The Librarian of Congress.

[FR Doc. 80-28704 Filed 9-16-80; 8:45 am]

BILLING CODE 1410-03-M

NATIONAL LABOR RELATIONS BOARD

Privacy Act of 1974; Proposed Revision of Systems and Annual Publication

AGENCY: National Labor Relations Board.

ACTION: Proposed revision of routine uses for some of the agency's systems of records and annual publication of notices.

SUMMARY: The National Labor Relations Board published (44 FR 56590, October 1, 1979) fourteen Notices of Systems of Records identified as NLRB-1 through NLRB-14. Thirteen of these notices were for record systems containing personal information pertaining almost exclusively to present and former Agency employees and applicants for employment with the Agency. The purpose of this publication is to comply with the requirement for annual publication contained in 5 USC 552a(e)(4) and the requirement of subsection (e)(11) of notice of intention to establish new or revised routine uses of systems of records. The Agency proposes to amend the routine use of some of its systems of records to provide for

necessary disclosures of information to officials of other agencies in connection with their statutory or regulatory oversight review responsibilities. The revised language and the names of the systems of records for which the proposed routine use changes apply are described under the heading, "Supplementary Information," below.

All persons are advised that in the absence of submitted comments, views, or arguments considered by the Agency as warranting modification of the routine uses of the notices as herewith published, it is the Agency's intention that these notices as herewith published shall become effective upon expiration of the comment period without further action by the Agency. Pending adoption of the proposed changes described in this publication, the Agency's records will be covered by its previous notice (44 FR 56590, October 1, 1979).

SUBMISSION OF COMMENTS: All persons who desire to submit written comments, views, or arguments for consideration by the Agency in connection with the proposed changes should submit same not later then October 31, 1980, to the Executive Secretary, National Labor Relations Board, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570. Copies of such communications will be available for examination by interested persons during normal business hours (8:30 to 5:00 p.m., Monday through Friday, excluding holidays), in the Office of the Executive Secretary, Room 701, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

FOR FURTHER INFORMATION: Contact Mario A. Lauro, Jr., Associate Executive Secretary, telephone (202) 254-9430.

SUPPLEMENTARY INFORMATION: To provide for the necessary disclosures of information to agencies in connection with their statutory or regulatory oversight review responsibilities, the Agency proposes to amend the existing routine use disclosure statement, "To the appropriate agency, whether Federal, state, or local, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, charged with the responsibility of investigating or prosecuting such violation or enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.", by adding the phrase, "or to any agency in connection with its oversight review responsibility." Those systems of records for which the proposed change would apply are:

NLRB-1 Accounting Records—Financial
NLRB-2 Applicant Files for Attorney and Field Examiner Positions
NLRB-4 Claim Records
NLRB-5 Employment and Performance Records, Attorneys and Field Examiners
NLRB-6 Employment and Performance Records, Nonprofessionals and Nonlegal Professions
NLRB-7 Grievances, Appeals, and Complaints Records
NLRB-9 Occupational Injury and Illness Records
NLRB-10 Pay Records—Retirement
NLRB-11 Payroll—Finance Records
NLRB-13 Time and Attendance Records, NLRB
NLRB-14 Equal Employment Opportunity Program Management System
Appendix—The listing of NLRB Field Offices has also been updated.

A listing of all NLRB system notices and their complete texts appear below:

Dated: Washington, D.C., September 11, 1980.

By direction of the Board.

Joseph E. Moore,
Associate Executive Secretary.

NLRB-1 Accounting Records—Financial
NLRB-2 Applicant Files for Attorney and Field Examiner Positions
NLRB-3 Biographical Data File—Presidential Appointees
NLRB-4 Claim Records
NLRB-5 Employment and Performance Records, Attorneys and Field Examiners
NLRB-6 Employment and Performance Records, Nonprofessionals and Nonlegal Professionals
NLRB-7 Grievances, Appeals, and Complaints Records
NLRB-8 Health Maintenance Program Records
NLRB-9 Occupational Injury and Illness Records
NLRB-10 Pay Records—Retirement
NLRB-11 Payroll—Finance Records
NLRB-12 Prefiling Communications
NLRB-13 Time and Attendance Records, NLRB
NLRB-14 Equal Employment Opportunity Program Management System
Appendix

NLRB-1

SYSTEM NAME:

Accounting Records—Financial

SYSTEM LOCATION:

Current records are maintained in: Financial Management Branch, NLRB, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

Each Washington and Field Office is authorized to maintain copies of records relating to reimbursements to employees of that office and other individuals covered within system. See the attached appendix for addresses of these offices. Inactive records are stored at the appropriate Federal records center in accordance with Federal Property Management Regulations of the U.S. General Services Administration (FPMR 101-11.4).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals reimbursed for expenses in connection with the official functions of the NLRB: i.e., travel on official business, witness fees and transportation expenses, and miscellaneous expenses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may include name; home or office address; organizational unit number; purpose, duration, and cost for travel assignments of Agency employees; purpose, duration, points of travel, and cost for witnesses used by the Agency; purpose, category, and cost of miscellaneous expenses incurred by Agency employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records, or information therefrom, are disclosed:

1. To Agency officals and employees who have a need for the records or information:

a. In the processing of claims for reimbursements.

b. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies.

2. To respond to general requests for statistical information (without personal identification of individuals).

3. To individuals who need the information in connection with the processing of an appeal, grievance, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

4. To the U.S. General Accounting Office for audit purposes or determination of validity of claims.

5. To the U.S. Department of Treasury for issuance of checks.

6. To the appropriate agency, whether Federal, state, or local, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, charged with the responsibility of investigating or prosecuting such violation or enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto, or to any agency in connection with its oversight review responsibility.

7. To another agency, whether Federal, state, or local, or private organization where reimbursable arrangements exist between this Agency

and such other agency or private organization.

8. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

9. To officials of labor organizations recognized under Public Law 95–454, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Act. Wherever feasible and consistent with responsibilities under the Act, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Maintained on original source documents except travel summary cards which are maintained on microfilm.

RETRIEVABILITY:

Chronologically by year, and within each year alphabetically by name.

SAFEGUARDS:

Original source documents are maintained in file cabinets within the Finance Section office. Microfilm is maintained in a locked fireproof cabinet within the Services and Systems office. During duty hours cabinets are under surveillance of personnel charged with custody of the records, and after duty hours are behind locked doors. Access is limited to personnel who have a need for access in order to perform their official functions.

RETENTION AND DISPOSAL:

Maintained and disposed of in accordance with U.S. General Services Administration retention regulations.

SYSTEM MANAGER(S) AND ADDRESS:

Finance Officer, NLRB, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

See the attached appendix for the titles and addresses of officials at other locations responsible for this system at their locations.

NOTIFICATION PROCEDURE:

1. Current NLRB employees inquiring whether this system contains records on them should direct such inquiries to their supervisors.

2. An individual other than a current NLRB employee inquiring whether this system contains a record on such individual should direct such inquiry to the "System Manager" specified above, or to the responsible official designated under "System Manager" as responsible for the system in the geographic area where the expense was incurred.

3. In determining whether this system contains records on the inquirer, the following information is required: the inquirer's name and the year about which inquiry is being made.

RECORD ACCESS PROCEDURES:

An individual seeking to gain access to records in this system pertaining to such individual should contact the appropriate official or office designated under "Notification procedure." In granting access to records in this system, the following information is required: the inquirer's name and the year about which inquiry is being made.

CONTESTING RECORD PROCEDURES:

An individual seeking to contest records in this system pertaining to such individual should contact the appropriate official or office designated under "Notification procedure."

RECORD SOURCE CATEGORIES:

Travel vouchers, witness vouchers, and lodging and miscellaneous receipts submitted by the individual; travel orders submitted by Agency officials; subpoenas; claims for reimbursements; and miscellaneous correspondence and information related thereto.

NLRB-2

SYSTEM NAME:

Applicant Files for Attorney and Field Examiner Positions

SYSTEM LOCATIONS:

Office of Executive Assistant to the Associate General Counsel; Board Members' Offices; Office of the Solicitor, NLRB, 1717 Pennsylvania Avenue, NW., Washington, D.C. 20570.

Washington and Field Offices are authorized to maintain the records or copies of the records in connection with processing of applications for employment in the Agency. See the attached appendix for addresses of the Washington and Field Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for Attorney or Field Examiner positions in offices under the general supervision of the General Counsel; applicants for Attorney positions on Board Members' staffs and in the Office of the Solicitor.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may include copies of employment applications, educational transcripts, resumes, employment interview reports, and other information relative to employment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information:

a. To process applications and evaluate applicants.

b. As a data source for management information for production of summary statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies.

2. To respond to general requests for statistical information (without personal indentification of individuals).

3. To individuals who need the information in connection with the processing of a grievance, appeal, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

4. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. To officials of labor organizations recognized under Public Law 95–454, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Act. Wherever feasible and consistent with responsibilities under the Act, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

6. To the appropriate agency, whether Federal, state, or local, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, charged with the responsibility of investigating or prosecuting such violation or enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto, or to any agency in connection with its oversight review responsibility.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Maintained on paper including forms, letters, and memoranda.

RETRIEVABILITY:

Alphabetically by name.

SAFEGUARDS:

Maintained in file cabinets. During duty hours cabinets are under surveillance of personnel charged with custody of the records and after duty hours are behind locked doors. Access to the cabinets is limited to personnel having a need for access to perform their official functions.

RETENTION AND DISPOSAL:

Retained for an indefinite period of time.

SYSTEM MANAGER(S) AND ADDRESS:

1. To those applicants for positions under supervision of the General Counsel—

Executive Assistant to the Associate General Counsel, NLRB, 1717 Pennsylvania Avenue NW., Washington, D.C. 20570.

2. To those applicants for positions under supervision of a Board Member—

Chief Counsel to that Board Member, NLRB, 1717 Pennsylvania Avenue NW., Washington, D.C. 20570.

3. To those applicants for positions under supervision of the Solicitor—

Solicitor, NLRB, 1717 Pennsylvania Avenue NW., Washington, D.C. 20570.

NOTIFICATION PROCEDURES:

An individual inquiring whether this system contains a record on such individual should direct such inquiry to the appropriate System Manager specified above.

RECORD ACCESS PROCEDURES:

An individual seeking to gain access to records in this system pertaining to such individual should contact the appropriate System Manager specified above.

CONTESTING RECORD PROCEDURES:

An individual seeking to contest records in this system pertaining to such individual should contact the appropriate System Manager specified above.

RECORD SOURCE CATEGORIES:

Applicants, educational institutions, interviewers, evaluators, personnel specialists, references, previous employers.

NLRB-3

SYSTEM NAME:

Biographical Date File—Presidential Appointees

SYSTEM LOCATION:

Division of Information, NLRB, 1717 Pennsylvania Avenue, NW., Washington, D.C. 20570.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former Presidential appointees to NLRB positions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may include biographical sketches: news releases, news articles on speeches and other newsmaking activities; photographs, and material incidental thereto.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information in the performance of their duties.

2. To the public upon demonstrated interest.

3. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Maintained on original sources or related papers in file folders.

RETRIEVABILITY:

Alphabetically by name.

SAFEGUARDS:

Maintained in file cabinets within the Division of Information offices. During duty hours, cabinets are under the surveillance of office personnel charged with custody of the records, and after duty hours are behind locked doors.

RETENTION AND DISPOSAL:

Permanently retained.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Information, NLRB, 1717 Pennsylvania Avenue, NW., Washington, D.C. 20570.

NOTIFICATION PROCEDURE:

An individual inquiring whether this system contains a record on such individual should direct such inquiry to the System Manager specified above.

RECORD ACCESS PROCEDURES:

An individual seeking to gain access to records in this system pertaining to such individual should contact the appropriate System Manager specified above.

CONTESTING RECORD PROCEDURES:

An individual seeking to contest records in this system pertaining to such individual should contact the appropriate System Manager specified above.

RECORD SOURCE CATEGORIES:

Information in this system is submitted by the individual, written by Agency staff and approved by the individual, and obtained from general news sources.

NLRB-4

SYSTEM NAME:

Claim Records

SYSTEM LOCATION:

Security and Safety Branch, NLRB, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals filing claims under the Federal Tort Claims Act of 1946, the Military Personnel and Civilian Employees' Claims Act of 1964 and claims filed under subpart 101-39.8 of the Federal Property Management Regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may include reports of accidents or other events causing damage or loss; statements of witnesses; claims for damage or loss, investigations of claims, including doctor's reports, if any; records on disposition of claims; and information relative to the above.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information:

a. In processing claims against this Agency.

b. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies.

2. To respond to general requests for statistical information (without personal identification of individuals).

3. To the U.S. Department of Justice for purpose of processing or adjudicating claims against the Agency.

4. To a court of competent jurisdiction for adjudicating claims.

5. To investigators utilized by the Agency to obtain information relevant to a claim against the Agency.

6. To the appropriate agency, whether Federal, state, or local, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, charged with the responsibility of investigating or prosecuting such violation or enforcing or implementing the statute, rule, regulation, or order issued pursuant

thereto, or to any agency in connection with its oversight review responsibility.

7. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

8. To individuals who have a need for the information in connection with the processing of an appeal, grievance, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

9. To officials of labor organizations recognized under Public Law 95-454, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Act. Wherever feasible and consistent with responsibilities under the Act, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Maintained on forms, documents, and other papers.

RETRIEVABILITY:

Alphabetically by name.

SAFEGUARDS:

Maintained in file safe within the office of the Security and Safety Branch. File safe remains locked except during access to records. During duty hours, file safe is under the surveillance of personnel charged with the custody of the records, and after duty hours is behind locked doors. Combination is known only to designated members of Security and Safety staff. Access is limited to personnel who have a need for access to perform their official functions.

RETENTION AND DISPOSAL:

Retained indifinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Security and Safety Branch, NLRB, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

NOTIFICATION PROCEDURE:

An individual inquiring whether this system contains records on such individual should direct such inquiries to the System Manager specified above.

RECORD ACCESS PROCEDURES:

An individual seeking to gain access to records in this system pertaining to such individual should contact the System Manager specified above.

CONTESTING RECORD PROCEDURES:

An individual seeking to contest records in this system pertaining to such individual should contact the System Manager specified above.

RECORD SOURCE CATEGORIES:

Claimants, investigators, and witnesses.

NLRB-5

SYSTEM NAME:

Employment and Performance Records, Attorneys and Field Examiners.

SYSTEM LOCATIONS:

Office of Executive Assistant to Associate General Counsel; Board Members' Offices; Office of the Solicitor, NLRB, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

Washington and Field Offices are authorized to maintain the records or copies of the records for current and former NLRB employees of that office. See the attached appendix for addresses of the Washington and Field Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former Attorneys and Field Examiners in offices under the general supervision of the General Counsel; current and former Attorneys employed on Board Members' Staffs and in the Office of the Solicitor.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may include copies of employment applications, copies of personnel records, educational transcripts, resumes, employment interview reports, evaluation reports, career development appraisals, recommendations concerning promotion, copies of the official personnel file, correspondence, memoranda, and other information relevant thereto.

ROUTINE USES OR RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information.

2. To individuals who have a need for the information in connection with the processing of an appeal, grievance, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

3. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. To officials of labor organizations recognized under Public Law 95-454, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Act. Wherever feasible and consistent with responsibilities under the Act, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

5. To the appropriate agency, whether Federal, state, or local, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, charged with the responsibility of investigating or prosecuting such violation or enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto, or to any agency in connection with its oversight review responsibility.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Maintained on paper including forms, letters, and memoranda.

RETRIEVABILITY:

Alphabetically by name.

SAFEGUARDS:

Maintained in file cabinets. During duty hours cabinets are under the surveillance of personnel charged with custody of the records, and after duty hours are behind locked doors. Access is limited to personnel having a need for access to perform their official functions.

RETENTION AND DISPOSAL:

Retained for an indefinite period of time.

SYSTEM MANAGER(S) AND ADDRESS:

1. To those applicants for positions under supervision of the General Counsel—Executive Assistant to the Associate General Counsel, NLRB, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

2. To those applicants for positions under supervision of a Board Member—Chief Counsel to that Board Member, NLRB, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

3. To those applicants for positions under supervision of the Solicitor—Solicitor, NLRB, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

See the attached appendix for titles and addresses of officials at other locations responsible for this system at their locations.

NOTIFICATION PROCEDURE:

1. Current NLRB employees inquiring whether this system contains records on

such individuals should direct such inquiries to their supervisors.

2. An individual other than a current NLRB employee inquiring whether this system contains a record on such individual should direct such inquiry to the appropriate System Manager specified above, or to the official designated under "System Manager" as responsible for the system in the office where the individual was formerly employed.

RECORD ACCESS PROCEDURES:

An individual seeking access to records in this system pertaining to such individual should contact the appropriate official or office designated under "Notification procedure."

CONTESTING RECORD PROCEDURES:

An individual seeking to contest records in this system pertaining to such individual should contact the appropriate official or office designated under "Notification procedure."

RECORD SOURCE CATEGORIES:

The individual, the Personnel Branch, educational institutions, interviewers, evaluator, references, previous employers, and supervisors.

NLRB-6

SYSTEM NAME:

Employment and Performance Records, Nonprofessionals and Nonlegal Professionals.

SYSTEM LOCATIONS:

Records are authorized to be maintained for current and former NLRB employees in all Agency offices. See the attached appendix for the addresses of these offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former nonprofessional employees and nonlegal professional employees of the Agency.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may include copies of employment applications, educational transcripts, resumes, employment interview reports, evaluation reports, career development appraisals, recommendations concerning promotion, copies of personnel records, correspondence, memoranda, and other information relevant thereto.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information to evaluate job performance, developmental needs, potential within the Agency, and readiness for promotion.

2. To individuals who have a need for the information in connection with the processing of a grievance, appeal, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

5. To the appropriate agency, whether Federal, state, or local, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, charged with the responsibility of investigating or prosecuting such violation or enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto, or to any agency in connection with its oversight review responsibility.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Maintained on paper including forms, letters, and memoranda.

RETRIEVABILITY:

Alphabetically by name.

SAFEGUARDS:

Maintained in file cabinets. During duty hours cabinets are under the surveillance of personnel charged with custody of the records, and after duty hours are behind locked doors. Access is limited to personnel having a need for access to perform their official functions.

RETENTION AND DISPOSAL:

Retained for an indefinite period of time.

SYSTEM MANAGER(S) AND ADDRESS:

See the attached appendix for the titles and addresses of officials responsible for this system at their locations.

NOTIFICATION PROCEDURE:

1. Current NLRB employees inquiring whether this system contains records on such individuals should direct such inquiries to their supervisors.

2. An individual other than a current NLRB employee inquiring whether this system contains a record on such individual should direct such inquiry to the official designated under "System Manager" as responsible for the system in the office where the individual was formerly employed.

RECORD ACCESS PROCEDURES:

An individual seeking access to records in this system pertaining to such individual should contact the appropriate official or office designated under "Notification procedure."

CONTESTING RECORD PROCEDURES:

An individual seeking to contest records in this system pertaining to such individual should contact the appropriate official or office designated under "Notification procedure."

RECORD SOURCE CATEGORIES:

The individual, the Personnel Branch, professional employees, educational institutions, interviewers, evaluators, references and previous employers.

NLRB-7

SYSTEM NAME:

Grievances, Appeals, and Complaints Records.

SYSTEM LOCATIONS:

Records are authorized to be maintained for current and former NLRB employees in all Agency offices. See the attached appendix for the addresses of these offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the Agency.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may include formal or informal grievances, appeals, and complaints, together with information and documents related thereto; letters or notices to the individual; records of hearings when conducted, materials placed in the file to support or contradict the decision or determination on such grievance, appeal, or complaint; affidavits or statements; testimonies of witnesses; investigative reports; and related correspondence and recommendations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information.

2. To respond to general requests for statistical information (without personal identification of individuals).

3. To the appropriate agency, whether Federal, state, or local, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, charged with the responsibility of investigating or prosecuting such violation or enforcing or implementing the statute, rule, regulation, or order issued pursuant

thereto, or to any agency in connection with its oversight review responsibility.

4. To respond to a subpoena and/or refer to an arbitrator or court of competent jurisdiction.

5. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

6. To officials of labor organizations recognized under Public Law 95-454, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Act. Wherever feasible and consistent with responsibilities under the Act, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

7. To individuals who have a need for the information in connection with the processing of a grievance, appeal, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Maintained on forms, documents, letters, memoranda, and other similar papers.

RETRIEVABILITY:

Alphabetically by name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access until the records are required to be made public in support of an Agency action or position. These records are maintained in file cabinets which during duty hours are under the surveillance of personnel charged with custody of the records and after duty hours are behind locked doors.

RETENTION AND DISPOSAL:

Maintained for an indefinite period of time.

SYSTEM MANAGER(S) AND ADDRESS:

1. To those employees under supervision of the General Counsel—Deputy General Counsel, NLRB, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

2. To those employees under supervision of the Board—Deputy Executive Secretary, NLRB, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

NOTIFICATION PROCEDURE:

1. Inquiries from current NLRB employees on whether this system contains records on such individuals should be directed to their supervisors.

2. Inquiries from individuals other than current NLRB employees as to whether this system contains records on such individuals should be directed to the appropriate System Manager specified above.

RECORDS ACCESS PROCEDURES:

A current NLRB employee seeking to gain access to records in this system pertaining to such employee should contact his or her supervisor.

An individual other than a current NLRB employee seeking to gain access to records in this system pertaining to such individual should contact the appropriate System Manager specified above.

CONTESTING RECORD PROCEDURES:

A current NLRB employee seeking to contest records in this system pertaining to such employee should contact his or her supervisor.

An individual other than a current NLRB employee seeking to contest records in this system pertaining to such individual should contact the appropriate System manager specified above.

RECORD SOURCE CATEGORIES:

Information in this system is obtained from the individual to whom the record pertains; Agency officials; affidavits, statements, and record testimony of individuals; and other documents and memoranda relating to the grievance, appeal, or complaint.

NLRB-8

SYSTEM NAME:

Health Maintenance Program Records

SYSTEM LOCATION:

Security and Safety Branch, NLRB, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former NLRB employees participating in Agency sponsored health maintenance programs, such as blood donor program, diabetes tests, glaucoma tests, and similar programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may include individuals' names and dates of participation in health maintenance programs, and the name of program in which participated. Also, for blood donor program, contains social security number, sex, donor identification number, home address and telephone, date of last donation, medications being taken, blood type, whether accepted or rejected as donor, and information relevant to the above.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information:

a. In the administration of voluntary health maintenance programs.

b. As a data source for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained (without personal identification of individuals).

2. To respond to general requests for statistical information (without personal identification of individuals).

3. To the International Red Cross insofar as the records or information pertain to the blood donor program.

4. To the U.S. Department of Health and Human Services in the administration of public health service programs.

5. To a congressional office from the record of an individual in reponse to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on logs, forms, and other papers.

RETRIEVABILITY:

By program name and within each program alphabetically by name.

SAFEGUARDS:

Maintained in file safe within the office of the Security and Safety Branch. File safe remains locked except during access to records. During duty hours, file safe is under the surveillance of personnel charged with the custody of the records, and after duty hours is behind locked doors. Combination is known only to designated members of Security and Safety staff. Access is limited to personnel who have a need for access to perform their official functions.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Security and Safety Branch, NLRB, 1717 Pennsylvania Avenue, NW., Washington, D.C. 20570.

NOTIFICATION PROCEDURE:

1. An individual inquiring whether this system contains records on such individual should direct such inquiries to the System Manager specified above.

2. In determining whether this system contains records on the inquirer, the following information is required: the inquirer's name and the particular health maintenance program about which inquiry is being made.

RECORD ACCESS PROCEDURES:

An individual seeking to gain access to records in this system should contact the System Manager specified above.

In granting access to records in this system, the following information is required: the inquirer's name and the particular health maintenance program about which inquiry is being made.

CONTESTING RECORD PROCEDURES:

An individual seeking to contest records in this system pertaining to such individual should contact the System Manager specified above.

RECORD SOURCE CATEGORIES:

Information submitted by individual; officials of the servicing Health units; International Red Cross.

NLRB-9

SYSTEM NAME:

Occupational Injury and Illness Records

SYSTEM LOCATION:

Security and Safety Branch, NLRB, 1717 Pennsylvania Avenue, NW., Washington, D.C. 20570.

Each Washington and Field Office is authorized to maintain copies of records in this system. See the attached appendix for addresses of the Washington and Field Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former NLRB employees who have reported a work-related injury or illness.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may include information pertaining to the complete history of the employee's occupational injury or illness, including any doctors' or investigative reports submitted, and the disposition of claims for compensation filed under the Federal Employees Compensation Act and information relative thereto.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information:

a. In processing reports of occupational injury or illness and claims for compensation under the Federal Employees Compensation Act.

b. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies.

2. To respond to general requests for statistical information (without personal identification of individuals).

3. To the U.S. Department of Labor for purposes of adjudicating claims for compensation under the Federal Employees Compensation Act.

4. To the U.S. Department of Health and Human Services in the administration of public health service programs.

5. To a court of competent jurisdiction for adjudicating claims arising under the Federal Employees Compensation Act.

6. To an investigator utilized by the Agency to obtain information relevant to a claim arising under the Federal Employees Compensation Act.

7. To the appropriate agency, whether Federal, state, or local, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, charged with the responsibility of investigating or prosecuting such violation or enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto, or to any agency in connection with its oversight review responsibility.

8. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

9. To officials of labor organizations recognized under Public Law 95-454, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Act. Wherever feasible and consistent with responsibilities under the Act, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

10. To individuals who need the information in connection with the processing of an appeal, grievance or complaint. Wherever feasible such information shall be furnished in depersonalized from, i.e., without personal identifiers.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Maintained on forms and related correspondence.

RETRIEVABILITY:

Alphabetically by name.

SAFEGUARDS:

Maintained in file safe within the Security and Safety Office. File safe remains locked except during access. During duty hours file safe is under the surveillance of personnel charged with the custody of the records, and after duty hours is behind locked doors. Combination is known only to designated members of Security and Safety staff. Access is limited to personnel who have a need for access to perform their official functions.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Security and Safety Branch, NLRB, 1717 Pennsylvania Avenue, NW., Washington, D.C. 20570.

See the attached appendix for the titles and addresses of officials at other locations responsible for this system at their locations.

NOTIFICATION PROCEDURE:

An individual inquiring whether this system contains a record on such individual should direct such inquiry to the System Manager specified above.

RECORD ACCESS PROCEDURES:

An individual seeking to gain access to records in this system pertaining to such individual should contact the System Manager specified above.

CONTESTING RECORD PROCEDURES:

An individual seeking to contest records in this system pertaining to such individual should contact the System Manager specified above.

RECORD SOURCE CATEGORIES:

Forms completed by the employee; witnesses; investigators; employee's supervisor; claims examiners of the U.S. Department of Labor; and doctors' statements, if any.

NLRB—10

SYSTEM NAME:

Pay Records—Retirement.

SYSTEM LOCATION:

Financial Management Branch, NLRB, 1717 Pennsylvania Avenue, NW., Washington, D.C. 20570.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current NLRB employees under the Civil Service Retirement System.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may include name, previous name if any; social security number; sex, birth date; entrance-on-duty date; employment history, including prolonged leave without pay; and monetary contributions to retirement fund made during employment, and information relevant thereto.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information:

a. To administer the Civil Service Retirement System within the Agency.

b. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies.

2. To respond to general requests for statistical information (without personal identification of individuals).

3. To the Office of Personnel Management for administering the Civil Service Retirement System.

4. To the U.S. General Accounting Office for audit purposes.

5. To the appropriate agency, whether Federal, state, or local, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, charged with the responsibility of investigating or prosecuting such violation or enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto, or to any agency in connection with its oversight review responsibility.

6. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

7. To officials of labor organizations recognized under Public Law 95-454, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Act. Wherever feasible and consistent with responsibilities under the Act, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

8. To individuals who need the information in connection with the processing of an appeal, grievance or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Maintained on employment history cards and source documents.

RETRIEVABILITY:

By organizational unit and within each unit alphabetically by name.

SAFEGUARDS:

Maintained in file cabinets within the Payroll and Reports Section office. During duty hours file cabinets are under surveillance of personnel charged with custody of the records, and after duty hours are behind locked doors. Access is limited to personnel who have a need for access to perform their official functions.

RETENTION AND DISPOSAL:

Maintained only on current employees. Transferred to the Office of Personnel Management upon termination of service with the Agency.

SYSTEM MANAGER(S) AND ADDRESS:

Finance Officer, NLRB, 1717 Pennsylvania Avenue, NW., Washington, D.C. 20570.

NOTIFICATION PROCEDURE:

1. An individual inquiring whether this system contains a record on such individual to the System Manager designated above.

2. In determining whether this system contains records on the inquirer, the following information is required: the inquirer's name and the organizational unit in which currently employed.

RECORD ACCESS PROCEDURES:

1. An individual seeking to gain access to records in this system pertaining to such individual should contact the System Manager specified above.

2. In granting access to records in this system, the following information is required: the inquirer's name and the year about which inquiry is being made.

CONTESTING RECORD PROCEDURES:

An individual seeking to contest records in this system pertaining to such individual should contact the System Manager specified above.

RECORD SOURCE CATEGORIES:

Personnel Branch, timekeepers, and supervisors.

NLRB—11

SYSTEM NAME:

Payroll—Finance Records.

SYSTEM LOCATION:

Current records are maintained in: Financial Management Branch, NLRB, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

Inactive records are stored at the appropriate Federal records center in accordance with Federal Property Management Regulations of the U.S. General Services Administration (FPMR 101-11.4).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the Agency.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may include each employee's name, home address, payroll identification number, organizational unit number, block number pay plan, grade and step, employee code, social security number, state identification code and name, leave earned and used, composite designator code and account number, and for the current pay period, quarterly and year-to-date hours worked, base pay, overtime pay, premium pay, miscellaneous pay, gross earnings, net earnings, and all withholdings from pay including retirement, taxes (Federal, state, and local), FICA exemptions (Federal, state, and local), life, group, and optional insurance, bonds (authorization number and date of issuance), and miscellaneous allotments and deductions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information:

a. To compile payroll records.

b. To maintain Agency salary and expense accounts.

c. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies.

d. To transfer information from the records to the individual to whom the record pertains.

2. To respond to general requests for statistical information (without personal identification of individuals).

3. To individuals who need the information in connection with the processing of an appeal, grievance, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

4. To the U.S. Department of the Treasury for payroll purposes.

5. To the Office of Personnel Management concerning pay, benefits, retirement deductions and other information necessary for the Office to carry out its Government-wide personnel management functions.

6. To state and local authorities for the purposes of verifying tax collections, unemployment compensation claims, and administering public assistance programs.

7. To the U.S. Department of Health and Human Services for the administration of the social security program.

8. To the U.S. Department of Labor for processing or adjudicating claims under the Federal Employees Compensation Act.

9. To the U.S. General Accounting Office for audit purposes.

10. To the appropriate agency, whether Federal, state, or local, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, charged with the responsibility of investigating or prosecuting such violation or enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto, or to any agency in connection with its oversight review responsibility.

11. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

12. To officials of labor organizations recognized under Public Law 95–454, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Act. Wherever feasible and consistent with responsibilities under the Act, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Maintained on original source documents, computer printouts, and on a computer disk file with two magnetic tape backups.

RETRIEVABILITY:

Employee payroll file maintained cronologically by year, and within each year by organizational unit, and within each unit alphabetically by name.

SAFEGUARDS:

All doors to the computer room are installed with combination locks and during duty hours the computer and magnetic tape backup are under surveillance of office personnel charged with custody of the records. After duty hours all doors remain locked. Access is limited to authorized personnel only. Use of the machines for information printouts is restricted to designated personnel and access is password protected. Original source documents are maintained in file cabinets. During duty hours cabinets are under surveillance of personnel charged with custody of the records, and after duty hours are behind locked doors. Access is limited to personnel having a need for access to perform their official functions.

RETENTION AND DISPOSAL:

Payroll records retained and disposed of in accordance with the applicable General Accounting Office and General Services Administration retention schedules. Microfilm and magnetic strip ledgers are maintained for 56 years after the last entry of data.

SYSTEM MANAGER(S) AND ADDRESS:

Finance Officer, NLRB, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570;

Chief, Data Systems Branch, NLRB, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

NOTIFICATION PROCEDURE:

1. An individual inquiring whether this system contains a record on such individual should direct such inquiry to the System Manager first specified above.

2. In determining whether this system contains records on the inquirer, the following information is required: the inquirer's name; the year about which inquiry is being made; and, for records other than the payroll file, the organizational unit or units in which employed during that year.

RECORD ACCESS PROCEDURES:

An individual seeking to gain access to records in this system pertaining to such individual should contact the System Manager first specified above.

In granting access to records in this system the following information is required: the inquirer's name; the year about which inquiry is being made; and, for records other than the payroll file, the organizational unit or units in which employed during that year.

CONTESTING RECORD PROCEDURES:

An individual seeking to contest records in this system should contact the System Manager first specified above.

RECORD SOURCE CATEGORIES:

The individual, the Personnel Branch, timekeepers, and supervisors; U.S. Civil Service Commission and Office of Personnel Management bulletins; taxing authority notices; and withholding authorizations.

NLRB–12

SYSTEM NAME:

Prefiling Communications.

SYSTEM LOCATION:

Records are authorized to be maintained in all Field Offices of the Agency, at the address listed in the attached appendix, and Office of the General Counsel, NLRB, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have sought assistance regarding possible institution of an unfair labor practice, representation, or other civil action or proceeding before the National Labor Relations Board.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may include file memoranda detailing the substance of oral communications, letters of inquiry, and responses thereto, may contain information relating to an individual's employment history, job performance, earnings, home address, telephone number, union activity, or other information relevant to a potential action or proceeding before the National Labor Relations Board.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. These records, or information therefrom, are disclosed to Agency officials and employees who have a need for the records or information in the processing of cases before the Agency.

2. These records, or information therefrom, may be referred, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

3. Disclosures may also be made to a congressional office from the record of an individual in respone to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Maintained in paper from in file folders.

RETRIEVABILITY:

Alphabetically by name.

SAFEGUARDS:

Maintained in file cabinets in the nonpublic area of the office under the immediate control of the System Manager. During duty hours cabinets are under surveillance of personal charged with custody of the records and after duty hours are behind locked doors.

RETENTION AND DISPOSAL:

In the event a civil action or proceeding is instituted prior to the record being destroyed, the record is placed in the case file which is not indexed by the name of the individual. In the event no action or proceeding is instituted, the records are destroyed after varying periods of time; however, not longer than 2 years.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, NLRB, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

See the attached appendix for titles and addresses of officials responsible for this system at their locations.

NOTIFICATION PROCEDURE:

An individual inquiring whether this system contains a record on such individual should direct such inquiry to the General Counsel or to the appropriated Regional Director, Officer-in-Charge, or Resident Officer of the Agency office where the individual sought or was referred to for assistance, at the address of that office specified in the attached appendix.

RECORD ACCESS PROCEDURES:

An individual seeking to gain access to records in this system pertaining to such individual should contact the appropriate official or office designated under "Notification procedure."

CONTESTING RECORD PROCEDURES:

An individual seeking to contest records in this system pertaining to such individual should contact the appropriate official or office designated under "Notification procedure."

RECORD SOURCE CATEGORIES:

Individual who seeks assistance.

NLRBA-13

SYSTEM NAME:

Time and Attendance Records, NLRB

SYSTEM LOCATION:

Current records are maintained in: Financial Management Branch, NLRB, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

Each Washington and Field Office maintains a copy of time and attendance records for current employees in that office, and is authorized to retain such records on former employees of that office. See the attached appendix for addresses of these offices.

Inactive records are stored at the appropriate Federal records center in accordance with Federal Property Management Regulations of the U.S. General Services Administration (FPMR 101–11.4).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the Agency.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may include name; home address; organizational unit number; payroll identification number; entrance-on-duty date; time worked, including regular hours, overtime, compensatory time, and premium pay status; leave earned and used; absences without leave; and doctors' certificates, when required.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information:

a. In the compilation of biweekly payrolls.

b. To maintain leave accounts.

c. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies.

2. To respond to general requests for statistical information (without personal identification of individuals).

3. To another Federal Government agency in connection with the transfer of an NLRB employee to that agency.

4. To the Office of Personnel Management for administering the Civil Service Retirement System.

5. To the U.S. General Accounting Office for audit purposes.

6. To another Government agency or private organization in connection with an agreement under the Intergovernmental Personnel Act.

7. To the U.S. Department of Labor for processing or adjudicating claims under the Federal Employees Compensation Act.

8. To the appropriate agency, whether Federal, state, or local, where there is an indication of a violation or potential violation of law, whether civil criminal, or regulatory in nature, charged with the responsibility of investigating or prosecuting such violation or enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto, or to any agency in connection with its oversight review responsibility.

9. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

10. To individuals who have a need for the information in connection with the processing of an appeal, grievance, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

11. To officials of labor organizations recognized under Public Law 95–454, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Act. Wherever feasible and consistent with responsibilities under the Act, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Maintained on Standard Form 1130 and related forms and papers, and on microfilm.

RETRIEVABILITY:

Chronologically by year, and within each year by organizational unit, and within each unit alphabetically by name.

SAFEGUARDS:

Original source documents or copies thereof are maintained in file cabinets. Microfilm is maintained in locked fireproof metal cabinets. During duty hours cabinets are under surveillance of personnel charged with custody of the records, and after duty hours are behind locked doors. Access is limited to personnel having a need for access to perform their official functions.

RETENTION AND DISPOSAL:

Retained and disposed of in accordance with General Accounting Office and General Services Administration retention schedules. Original source documents are retained within the Agency for 3 years and then transferred to the appropriate Federal record center for the balance of the retention period. Microfilm records are maintained within the Agency for the full period specified in the appropriate retention schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Finance Officer, NLRB, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

See the attached appendix for the titles and addresses of officials at other locations responsible or this system at their locations.

NOTIFICATION PROCEDURE:

1. Current NLRB employees inquiring whether this system contains records on such individuals should direct such inquiries to their supervisors.

2. An individual other than a current NLRB employee inquiring whether this "System Manager" specified above, or official designated under "System Manager" as responsible for this system in the office where the individual was perviously employed.

3. In determining whether this system contains records on the inquirer, the following information is required: year about which inquiry is being made, and inquirer's name and organizational unit or units in which employed during that year.

RECORD ACCESS PROCEDURES:

1. An indiviudal seeking to gain access to records in this system pertaining to such individual should contact the appropriate official or office designated under "Notification procedure."

2. In granting access to records in this system, the following information is required: the year about which inquiry is being made, and the inquirer's name and organizational unit or units in which employed during that year.

CONTESTING RECORD PROCEDURES:

An individual seeking to contest records in this system pertaining to such individual should contact the appropriate official or office designated under "Notification procedure."

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains, timekeeper or supervisor, doctors' statements.

NLRB—14

SYSTEM NAME:

Equal Employment Opportunity Program Management System.

SYSTEM LOCATION:

Data Systems Branch, NLRB, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former NLRB employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may include information such as employee's name, social security number, Minority Group Designator (MGD), Code, employment status, sex, date of birth, payroll block and unit number, pay plan, grade and step, entrance-on-duty date, date of last promotion, date of last quality step increase, employment class and date of separation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the record or information:

a. In monitoring and evaluating the status and progress of minority/female employment.

b. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the Agency's EEO Program (without personal identification of individuals).

c. In connection with the investigation, processing adjudication and/or settlement of an EEO complaint or civil action.

2. To respond to general requests for statistical information (without personal identification of individuals).

3. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. To the appropriate agency, whether Federal, state, or local, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, charged with the responsibility of investigating or prosecuting such violation or enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto, or to any agency in connection with its oversight review responsibility.

5. To officials of labor organizations recognized under Public Law 95–454, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Act. Wherever feasible and consistent with responsibilities under the Act, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

6. To individuals who have a need for the information in connection with the processing of an appeal, grievance, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Maintained on computer disk file and magentic tape backup.

RETRIEVABILITY:

By social security account number or alphabetically by name.

SAFEGUARDS:

All doors to the computer room have combination locks and during duty hours the computer and magnetic tape backup are under surveillance of Agency personnel charged with custody of the records. After duty hours the computer disk file and magnetic tape backup are stored in a fireproof safe behind locked doors. Access is limited to authorized personnel only. All format programs are password protected and use of the machines for information printouts restricted to designated personnel.

RETENTION AND DISPOSAL:

The information in these records is updated as necessary as changes in the data elements occur. Information on former employees is retained for three years following their separation from the Agency.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Equal Employment Opportunity, NLRB, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570

NOTIFICATION PROCEDURE:

An individual inquiring whether this system contains a record on such individual should direct such inquiry to the System Manager specified above.

RECORD ACCESS PROCEDURES:

An individual seeking to gain access to records in this system pertaining to such individual should contact the System Manager specified above.

CONTESTING RECORD PROCEDURES:

An individual seeking to contest records in this system pertaining to such individual should contact the System Manager specified above.

RECORD SOURCE CATEGORIES:

Information in this system is obtained from the individual to whom the record pertains, Agency officials and from personnel records.

Appendix

Names and Addresses of NLRB Offices referenced in Notice of Record Systems shown above:

NLRB Headquarters Offices

Offices of the Board
  Members of the Board
  Executive Secretary, Office of the Executive Secretary
  Solicitor
  Director, Division of Information
Offices of the General Counsel
  General Counsel
  Associate General Counsel, Division of Operations Management
  Associate General Counsel, Division of Advice
  Associate General Counsel, Division of Enforcement Litigation
  Director, Office of Appeals
  Director, Division of Administration
  Director, Equal Employment Opportunity
  Address: 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570
  Chief Administrative Law Judge, Division of Administrative Law Judges
  Address: Room 1121, Hamilton Building, 1375 K Street, N.W., Washington, D.C. 20005
  San Francisco Office, Division of Administrative Law Judges
  Address: Room 12054, Federal Building, 450 Golden Gate Avenue, San Francisco, CA 94102.
  New York Office, Division of Administrative Law Judges
  Address: Paramount Building, 4th Floor, 1501 Broadway Street, New York, NY 10036
  Atlanta Office, Division of Administrative Law Judges
  Address: Federal Office Building, 275 Peachtree Street, Terrace Level, Atlanta, GA 30303

NLRB Field Offices

Regional Director, National Labor Relations Board, Region 1, 12th Floor, Keystone Building, 99 High Street, Boston, Massachusetts 02110.

Regional Director, National Labor Relations Board, Region 2, 3614 Federal Building, 26 Federal Plaza, New York, New York 10007.

Regional Director, National Labor Relations Board, Region 3, Federal Building, Room 901, 111 West Huron Street, Buffalo, New York 14202.

Regional Director, National Labor Relations Board, Region 4, William J. Green Jr., Federal Building, 600 Arch Street, Room 4400, Philadelphia, Pennsylvania 19106.

Regional Director, National Labor Relations Board, Region 5, Edward A. Garmatz Federal Building, 101 West Lombard Street, Baltimore, Maryland 21201.

Regional Director, National Labor Relations Board, Region 6, Porter Building, 10th floor, 601 Grant Street, Pittsburgh, Pennsylvania 15219.

Regional Director, National Labor Relations Board, Region 7, Patrick V. McNamara Federal Building, Room 300, 477 Michigan Avenue, Detroit, Michigan 48226.

Regional Director, National Labor Relations Board, Region 8, Anthony J. Celebrezze Federal Building, 1240 E. 9th Street, Room 1695, Cleveland, Ohio 44199.

Regional Director, National Labor Relations Board, Region 9, 3003 Federal Office Building, 550 Main Street, Cincinnati, Ohio 45202.

Regional Director, National Labor Relations Board, Region 10, 101 Marietta Tower—Suite 2400, 101 Marietta Street, N.W., Atlanta, Georgia 30303.

Regional Director, National Labor Relations Board, Region 11, US Courthouse, Federal Building, 251 North Main Street, Room 447, Winston-Salem, North Carolina 27101.

Regional Director, National Labor Relations Board, Region 12, Federal Office Building, Room 706, 500 Zack Street, Tampa, Florida 33602.

Regional Director, National Labor Relations Board, Region 13, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Illinois 60604.

Regional Director, National Labor Relations Board, Region 14, Room 448, 210 North 12th Boulevard, St. Louis, Missouri 63101.

Regional Director, National Labor Relations Board, Region 15, 2700 Plaza Tower, 1001 Howard Avenue, New Orleans, Louisiana 70113.

Regional Director, National Labor Relations Board, Region 16, 8A24 Federal Office Building, 819 Taylor Street, Fort Worth, Texas 76102

Regional Director, National Labor Relations Board, Region 17, 616 Two Gateway Center, Fourth at State, Kansas City, Kansas 66101

Regional Director, National Labor Relations Board, Region 18, 316 Federal Building, 110 South Fourth Street, Minneapolis, Minnesota 55401

Regional Director, National Labor Relations Board, Regional 19, Federal Building, Room 2948, 915 Second Avenue, Seattle, Washington 98174

Regional Director, National Labor Relations Board, Region 20, 13018 Federal Building, 450 Golden Gate Avenue, San Franciso, California 94102

Regional Director, National Labor Relations Board, Region 21, City National Bank Building—24th Floor, 606 South Olive Street, Los Angeles, California 90014

Regional Director, National Labor Relations Board, Regional 22, 1600 Federal Building, 970 Broad Street, Newark, New Jersey 07102

Regional Director, National Labor Relations Board, Region 23, One Allen Center, Room 920, 500 Dallas Avenue, Houston, Texas 77002

Regional Director, National Labor Relations Board, Region 24, Federal Building, U.S. Courthouse, 5th Floor, Carlos E. Chardon Avenue, Hato Rey, Puerto Rico 00918

Regional Director, National Labor Relations Board, Region 25, 232 Federal Office Building, 575 North Pennsylvania Street, Indianapolis, Indiana 46204

Regional Director, National Labor Relations Board, Region 26, Mid-Memphis Tower—8th Floor, 1407 Union Avenue, Memphis, Tennessee 38104

Regional Director, National Labor Relations Board, Region 27, U.S. Custom House, Room 260, 721 19th Street, Denver, Colorado 80202

Regional Director, National Labor Relations Board, Region 28, 3030 North Central Avenue, 2nd Floor, P.O. Box 33069, Phoenix, Arizona 85067

Regional Director, National Labor Relations Board, Region 29, Fourth Floor, 16 Court Street, Brooklyn, New York 11241

Regional Director, National Labor Relations Board, Region 30, 230 Commerce Building, 744 North Fourth Street, Milwaukee, Wisconsin 53203

Regional Director, National Labor Relations Board, Region 31, 12100 Federal Building, 11000 Wilshire Boulevard, Los Angeles, California 90024

Regional Director, National Labor Relations Board, Region 32, Breuner Building, 2201 Broadway, 2nd Floor, P.O. Box 12983, Oakland, California 94604

Regional Director, National Labor Relations Board, Region 33, Savings

Center Tower, 16th Floor, 411 Hamilton Avenue, Peoria, Illinois 61602

Officer-in-Charge, National Labor Relations Board, Subregion 36, 825 Pittock Block, 921 Southwest Washington Street, Portland, Oregon 97205

Officer-in-Charge, National Labor Relations Board, Subregion 37, 300 Ala Moana Boulevard, Room 7318, P.O. Box 50208, Honolulu, Hawaii 96850

Officer-in-Charge, National Labor Relations Board, Subregion 39, 750 Main Street, Suite 1200, Hartford, Connecticut 06103

Resident Officer, National Labor Relations Board, Resident Office—Region 3, Leo W. O'Brien Federal Building, Room 342, Clinton Avenue at North Pearl Street, Albany, New York 12207

Resident Officer, National Labor Relations Board, Resident Office—Region 5, Gelman Building, Suite 100, 2120 L Street, NW., Washington, D.C. 20037

Resident Officer, National Labor Relations Board, Resident Office—Region 10, City Federal Building, Room 2102, 2026 Second Avenue North, Birmingham, Alabama 35203

Resident Officer, National Labor Relations Board, Resident Office—Region 12, Suite 410, 1570 Madruga Avenue, Coral Gables, Florida 33146

Resident Officer, National Labor Relations Board, Resident Office—Region 12, 278 Federal Building, 400 West Bay Street, Box 35091, Jacksonville, Florida 32202

Resident Officer, National Labor Relations Board, Resident Office—Region 16, Skyline East Building, 1st Fl. So. Tower, 6128 East 38th Street, Tulsa, Oklahoma 74135

Resident Officer, National Labor Relations Board, Resident Office—Region 18, Federal Home Loan Bank Board Building, 907 Walnut Street, Des Moines, Iowa 50316

Resident Officer, National Labor Relations Board, Resident Office—Region 19, Anchorage Federal Office Building, 701 C Street, Room 510, Box 21, Anchorage, Alaska 99513

Resident Officer, National Labor Relations Board, Resident Office—Region 21, U.S. Courthouse, Room 2–N–20, 940 Front Street, San Diego, California 92189

Resident Officer, National Labor Relations Board, Resident Office—Region 23, Federal Building, Room 509A, 727 E. Durango Boulevard, San Antonio, Texas 78206

Resident Officer, National Labor Relations Board, Resident Office—Region 26, 1 Union National Plaza, Suite 1120, Little Rock, Arkansas 72201

Resident Officer, National Labor Relations Board, Resident Office—Region 26, Federal Building, Room A–702, U.S. Courthouse, Nashville, Tennessee 37203

Resident Officer, National Labor Relations Board, Resident Office—Region 28, 307 Pershing Building, 4100 Rio Bravo Street, El Paso, Texas 79902

Resident Officer, National Labor Relations Board, Resident Office—Region 28, Patio Plaza Building, Upper Level, 5000 Marble Avenue, NE., Albuquerque, New Mexico 87110

Resident Officer, National Labor Relations Board, Resident Office—Region 31, Room 3402, 300 Las Vegas Boulevard South, Las Vegas, Nevada 89101

[FR Doc. 80-28706 Filed 9-16-80; 8:45 am]

BILLING CODE 6450-01-M

NUCLEAR REGULATORY COMMISSION

[Byproduct Material License No. 37–00611–09]

Automation Industries, Inc., Nuclear Encapsulation Facility; Order for Modification of License (Effective Immediately)

I

License No. 37–00611–09 issued by the Commission to Automation Industries, Inc. (the licensee) Kimberton Road, Rt. #113 South Phoenixville, Pennsylvania 19560, on October 30, 1978, authorizes the licensee to store, calibrate, test, fabricate and distribute sealed sources containing cobalt-60 or iridium-192 to authorized recipients.

II

A recent accident described in IE Circular 79–16 (August 16, 1979) resulting in serious overexposures to 8 people, occurred in the State of California, an Agreement State, involving the use of an Automation Industries Model 200–520–008 sealed source assembly (pigtail) in the conduct of industrial radiography. An investigation of the accident conducted by the State of California disclosed fault with the design of the Automation Industries Model 200–520–008 source pigtail. The connector is identified by the licensee as its "quick disconnect" type connector and is used not only in Model 200–520–008 but also with several other cobalt-60 and iridium-192 source assembilies distributed by the licensee. The connection is a simple hook and eye connection that will permit separation of the eye from the hook when they are oriented at right angles to each other with little or no further positive action. As a result of the design, a disconnection may occur any time the source assembly is cranked out of the exposure device without the guide tube being attached. Since the sealed source assemblies with "quick disconnect" type connectors contain radioactive material which produces a high radiation level, a source disconnection creates a potential for a serious overexposure.

A source disconnect is unlikely to occur if proper procedures are followed by users of Automation Industries sealed sources with the "quick disconnect". However, due to the large number of overexposures that occur in the radiography industry and because of the potential for a failure to follow proper procedures, the Commission has determined that continued use of the Automation Industries "quick disconnect" connector constitutes an unreasonable risk to the public health and safety. Accordingly, the Director of the Office of Nuclear Material Safety and Safeguards has determined that the public health and safety require that fabrication and distribution of devices with the "quick disconnect" type connectors be discontinued and that this action be made effective immediately.

III

In view of the foregoing and pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in 10 CFR Parts 2, 30 and 34, it is hereby ordered effective immediately that:

The licensee shall discontinue fabrication and distribution of the Automation Industries Model 200–520–008 sealed source assembly and any other sealed source assembly which uses the "quick disconnect" type connector described.

IV

The licensee, or any other person who has an interest affected by this Order may, within twenty-five days of the date of this Order, request a hearing. A request for a hearing shall be addressed to the Secretary to the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the hearing request shall also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. If a hearing is requested by the licensee or an interested person, the Commission will issue an Order designating the time and place of hearing. Such a request for hearing shall not stay the immediate effectiveness of this order.

V

In the event a hearing is requested within the time specified, the issue to be considered at such hearing shall be:

Whether the licensee shall be required to discontinue fabrication and distribution of sealed source assemblies containing the "quick disconnect" type connector.

Dated at Silver Spring, Maryland this 3rd day of September, 1980.

For the Nuclear Regulatory Commission.

Richard E. Cunningham,

Director, Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 80-28663 Filed 9-16-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-261]

Carolina Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 48 to Facility Operating License No. DPR-23, issued to Carolina Power and Light Company, which revised Technical Specifications for operation of the H. B. Robinson Unit No. 2 (the facility) located in Arlington County, South Carolina. The amendment is effective as of its date of issuance.

The amendment consists of revision to the Technical Specifications which change the control rod position indication system misalignment limits. These changes were requested by the NRC on October 29, 1979.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commissions's rules and regulations Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment did not involve a sisgnificant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5 (d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 1, 1980, (2) Amendment No. 48 to License No. DPR-23, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H. Street, NW., Washington, D.C. and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29550. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 29th day of August, 1980.

For the Nuclear Regulatory Commission.

Joseph D. Neighbors,

Acting Chief, Operating Reactors Branch No. 1 Division of Licensing.

[FR Doc. 80-28670 Filed 9-16-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-247]

Consolidated Edison Co., of New York, Inc.; Issuance of Amendment to Facility Operating License and Grant of Exemption

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 63 to Facility Operating License No. DPR-26, issued to the Consolidated Edison Company of New York, Inc. (the licensee), which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 2 (the facility) located in Buchanan, Westchester County, New York. The amendment is effective as of the date of issuance.

The amendment makes changes to the Technical Specifications related to primary reactor containment leakage testing. In connection with this action, the Commission has granted an exemption which allows the licensee to verify the airlock door seals after each use by pressurizing between the double-gasketed seals instead of performing the test specified in Appendix J to 10 CFR 50, "Primary Reactor Containment Leakage Testing For Water-Cooled Power Reactors."

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 16, 1976, as revised January 6, 1978 and December 31, 1979, (2) Amendment No. 63 to License No. DPR-26, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 28th day of August, 1980.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1 Division of Licensing.

[FR Doc. 80-28667 Filed 9-16-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-334]

Duquesne Light Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 29 to Facility Operating License No. DPR-66 issued to Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (the licensees), which revised Technical Specifications for operation of the Beaver Valley Power Station, Unit No. 1 (the facility) located in Beaver County, Pennsylvania. The amendment is effective as of the date of issuance.

The amendment revises the Safety Technical Specifications in Appendix A to eliminate the use of a Reactor Coolant Pump Position Trip above setpoint P-8 (31% rated power).

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazard consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 14, 1980, (2) Amendment No. 29 to License No. DPR-66 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. A copy of items (2) and (3) may be contained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 29th day of August 1980.

For the Nuclear Regulatory Commission.

Joseph D. Neighbors,

Acting Chief, Operating Reactors Branch No. 1 Division of Licensing.

[FR Doc. 80-28668 Filed 9-16-80; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-315 and 50-316]

Indiana Michigan Electric Co.; Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 40 to Facility Operating License No. DPR-58, and Amendment No. 23 to Facility Operating License No. DPR-74 issued to Indiana and Michigan Electric Company (the licensee), which revised Technical Specifications for operation of Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in Berrien County, Michigan. The amendments are effective as of the date of issuance.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration. No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has prepared an environmental impact appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the facility dated August 1973.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR Section 51.5(d)(4) an environmental impact statement or negative declaration need not be prepared in connection with these amendments.

For further details with respect to this action, see (1) the applications for amendments dated April 6, 1979 (as supplemented September 13, 1979) and November 2, 1979, (2) Amendment Nos. 40 and 23 to License Nos. DPR-58 and DPR-74, and (3) the Commission's related Safety Evaluation and Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Division of Licensing.

Dated at Bethesda, Maryland, this 29th day of August, 1980.

For the Nuclear Regulatory Commission.

J. D. Neighbors,

Acting Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 80-28666 Filed 9-16-80; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-296]

Tennessee Valley Authority; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 34 to Facility Operating License No. DPR-68 issued to the Tennessee Valley Authority (the licensee), which revised Technical Specifications for operation of the Browns Ferry Nuclear Plant, Unit No. 3, located in Limestone County, Alabama. The amendment is effective as of the date of issuance.

This amendment changes the Technical Specifications to permit continued operation following isolation of the residual heat removal service water (RHRSW) to the Browns Ferry Unit No. 2 2B residual heat removal heat exchanger for a period of up to 10 days which also isolates this backup source of RHRSW to Browns Ferry Unit No. 3 through the cross connection between Unit Nos. 2 and 3.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commisison's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR Section 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 26, 1980, as supplemented by letter dated August 28, 1980, (2) Amendment No. 34 to License No. DPR-68, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35611. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 9th day of September, 1980.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 80-28661 Filed 9-16-80; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-280 and 50-281]

Virginia Electric & Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 60 and 60 to Facility Operating License Nos. DPR-32 and DPR-37 issued to Virginia Electric and Power Company, which revised the licenses of the Surry Power Station, Unit Nos. 1 and 2 (the facility) located in Surry County, Virginia. The amendments are effective as of the date of issuance.

By amendments dated October 31, 1974, we revised the Surry licenses to incorporate the more general license language regarding receipt, possession, and use of byproduct, source, and special nuclear material which is being used in new operating licenses. However, in the amendments, the language which allowed the possession of byproduct was inadvertently omitted from the license. The purpose of these amendments is to correct this omission. At the same time, we are incorporating the latest language in use in licenses. These changes do not change any conclusions of the October 31, 1974 amendments.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR, Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since they do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) Amendment Nos. 60 and 60 to License Nos. DPR-32 and DPR-37, and (2) the Commission's letter dated August 29, 1980. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and the Swem Library, College of William and Mary, Williamsburg, Virginia. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 29th day of August, 1980.

For the Nuclear Regulatory Commission.

J. D. Neighbors,

Acting Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 80-28669 Filed 9-16-80; 8:45 am]

BILLING CODE 7590-01-M

International Atomic Energy Agency Draft Safety Guide; Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operation, and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA Codes of Practice and Safety Guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft. This preliminary draft is reviewed and modified by the IAEA Technical Review Committee to the extent necessary to develop a draft acceptable to them. This draft Code of Practice or Safety Guide is then sent to the IAEA Senior Advisory Group which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the Member States. The Senior Advisory Group then considers the Member State comments, again modifies the draft as necessary to reach agreement and forwards it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guide SG-QA1, "Preparation of the Quality Assurance Programme for a Nuclear Power Plant Project," has been developed. The Working Group, consisting of Mr. E. Nicoloso of Italy; Mr. R. Buyers of the United Kingdom; and Mr. J. W. Anderson (Clinch River Breeder Reactor Project) of the United States of America, developed the initial draft of this Safety Guide from an IAEA collation during a meeting in September 1979. The Working Group draft was modified by the IAEA Technical Review Committee in a meeting on February 4-8, 1980, and we are soliciting comments on this modified draft. Comments on this draft received by November 14, 1980, will be useful to the U.S. representatives to the Technical Review Committee and Senior Advisory Group in evaluating its adequacy prior to the next IAEA discussion.

Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a))

Dated at Rockville, Md. this 9th day of September 1980.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Standards Development.

[FR Doc. 80-28665 Filed 9-16-80; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 6.4, Revision 2, "Classification of Containment Properties of Sealed Radioactive Sources," identifies terminology acceptable to the NRC staff for describing the containment properties of a source on a prototype testing basis. Revision 1 of this guide endorsed a national standard that has been replaced by ANSI N542-1977, "Sealed Radioactive Sources, Classification." Revision 2 was developed to endorse ANSI N542-1977 after additional staff review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 8th day of September 1980.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Standards Development.

[FR Doc. 80-28664 Filed 9-16-80; 8:45 am]

BILLING CODE 7590-01-M

Topical Reports; Issuance and Availability

The Nuclear Regulatory Commission has issued a set of contractor reports on the transport of radioactive materials in cities. These reports were prepared for the NRC under an interagency agreement with the Department of Energy by the Sandia National Laboratories or their subcontractors.

The report, NUREG/CR-0743, "Transportation of Radionuclides in Urban Environs: Draft Environmental Assessment," estimates the environmental consequences of the transportation of radioactive materials in densely populated urban areas, including estimates of the radiological and nonradiological impacts. This Draft Environmental Assessment (DEA) presents the estimation methodology and impact estimates for each of four causative event categories: incident-free transport, vehicular accidents, human errors or deviations from accepted quality assurance practices, and sabotage or malevolent acts. Emphasis is placed on estimating direct radiological impacts such as health risk, economic risk, and the human health and economic consequences of severe incidents. The DEA, prepared by staff members of Sandia National Laboratories, provides the principal technical base for the NRC's Draft Generic Environmental Impact Statement (DGEIS) on the same subject, which will be issued later.

Also providing part of the technical bases for the NRC DGEIS are two subcontractor reports on social impacts, i.e., indirect impacts. One report, NUREG/CR-0744, "Identification and Assessment of the Social Impacts of Transportation of Radioactive Materials in Urban Environments," was prepared by staff members of the Battelle Human Affairs Research Centers. It assesses the range and likelihood of five categories of social impacts: psychological, sociological, political, legal, and organizational. The other report, NUREG/CR-0742, "Review and Integration of Existing Literature Concerning Potential Social Impacts of Transportation of Radioactive Materials in Urban Areas," was prepared by staff members of Rice University and the University of Texas, Houston.

Single copies of these reports are available on written request to the following address as long as supplies last:

Transport of Radionuclides in Urban Environs, Transportation and Product Standards Branch, Attention: Norman A. Eisenberg, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

It is recommended that interested parties first review NUREG/CR-0743 (DEA), which contains the executive summary of NUREG/CR-0744 as Appendix L, to determine their interest in and need for copies of the social impact reports. However, requests for these social impact reports from respondents who have a particular interest in social impacts will be honored.

When the NRC staff issues the DGEIS, public comments will be solicited on the DGEIS and on these supporting contractor reports in accordance with § 1503.1, "Inviting Comments," 40 CFR Part 1503. However, comments and suggestions on all three of these contractor reports are solicited at this time to assist in formulating the staff position on transport of radionuclides in urban environs. Comments on these reports should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

These reports are also available for inspection or copying for a fee at the NRC Public Document Room, 1717 H Street NW., Washington, D.C. Copies of NUREG/CR-0742 and -0744 may also be purchased for $5.50 and $6.50, respectively, directly from NRC by sending check or money order payable to the Superintendent of Documents to the Director, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. GPO Deposit Account holders may charge their order by calling (301) 492-9530. Copies of all three of these reports are also available for purchase through the National Technical Information Service, Springfield, VA 22161.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 9th day of September 1980.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Standards Development.

[FR Doc. 80-28662 Filed 9-16-80; 8:45 am]

BILLING CODE 7590-01-M

OHIO RIVER BASIN COMMISSION

Availability of Adopted Regional Water and Land Resources Plan for Kentucky/Licking River Basins

Pursuant to Section 204(3) of the Water Resources Planning Act of 1965 (PL 89-80), the Ohio River Basin Commission has revised and adopted the Kentucky/Licking River Basins Regional Water and Land Resources Plan (April 1980) for transmittal to the President and the Congress through the Water Resources Council.

Copies of the comprehensive coordinated joint plan are available upon request to the Ohio River Basin Commission, 36 East Fourth Street, Cincinnati, Ohio 45202.

Fred J. Krumholtz,

Chairman.

[FR Doc. 80-28656 Filed 9-16-80; 8:45 am]

BILLING CODE 8410-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 11351; (811-2844)]

Index Option Income Fund, Inc.; Filing of Application for an Order Pursuant to Section 8(f) of the Act Declaring That Applicant Has Ceased To Be an Investment Company

September 12, 1980.

Notice is hereby given that The Index Option Income Fund, Inc. ("Applicant"), 612 North Michigan Avenue, Chicago, Illinois 60611, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, investment company, filed an application on June 19, 1980 for an order of the Commission pursuant to Section 8(f) of the Act declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, Applicant was organized as a Maryland corporation. On June 13, 1978 Applicant registered under the Act and filed a registration statement under the Securities Act of 1933 with respect to an indefinite number of shares of its common stock, per value $.01. Such registration statement never became effective and Applicant never issued any shares of its common stock.

Applicant states that it has no assets, that it has no debts or other liabilities outstanding, that it is not a party to any litigation or administrative proceeding and that it is not engaged, nor does it propose to engage, in any business activities other than those necessary for the winding up of its affairs. In addition, Applicant represents that it has been dissolved under the laws of the State of Maryland.

Section 8(f) of the Act provides, in part, that when the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 6, 1980, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-28749 Filed 9-16-80; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 11339; (812-4723)]

National Municipal Trust, Special Trusts Thomson McKinnon Securities, Inc., Piper, Jaffray & Hopwood Inc.; Filing of Application Pursuant to Section 6(c) of the Act for Order Amending Prior Order of Exemption From Section 22(d) of the Act

September 9, 1980.

Notice is hereby given that National Municipal Trust, National Municipal Trust, Special Trusts, Thomson McKinnon Securities Inc. and Piper, Jaffray & Hopwood Incorporated ("Applicants"), c/o Thomson McKinnon Securities Inc., One New York Plaza, New York, New York 10004, filed an application on August 27, 1980, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") amending a prior order ("Prior Order") which exempted Applicants from Section 22(d) of the Act to permit mandatory redemption of reinvestment units at the time of a unitholder's withdrawal from or in the event of termination of the National Municipal Trust Reinvestment Program ("Reinvestment Program"). The Prior Order was issued on April 14, 1978 (Investment Company Act Release No. 10207). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

National Municipal Trust and National Municipal Trust, Special Trusts (collectively referred to as the "Municipal Trusts") are unit investment trusts as defined in the Act which have been sponsored by Thomson McKinnon Securities Inc. and Piper, Jaffray & Hopwood Incorporated (collectively referred to as the "Sponsors"). The objectives of the Municipal Trusts are tax-exempt income and conservation of capital through an investment in a diversified portfolio of tax-exempt bonds. All of such bonds are obligations issued by or on behalf of states, counties, territories, possessions and municipalities of the United States and/or authorities, agencies, instrumentalities or political subdivisions thereof, the interest on which in the opinion of counsel to the various issuers of such bonds is exempt from all federal income taxes under existing law.

On March 21, 1978 a notice was issued by the Commission (Investment Company Act Release No. 10170) of an application filed by National Municipal Trust pursuant to Section 6(c) of the Act for an order of the Commission exempting the Applicants from the provisions of Section 22(d) of the Act to the extent necessary to permit the Applicants to offer to unitholders of the Municipal Trusts the opportunity to participate in the Reinvestment Program at no additional sales charge. The Commission issued an order of exemption on April 14, 1978 (Investment Company Act Release No. 10207) granting the Applicants the relief requested from Section 22(d) of the Act. Applicants request an amendment of the Prior Order to add a provision to the Reinvestment Program which would authorize the mandatory redemption of reinvestment units by the trustee at the time a unitholder withdraws from the Reinvestment Program or the Program is terminated at the then current redemption price per reinvestment unit.

Applicants assert that the mandatory redemption provision is intended to prevent an increase in the expenses of the individual series of the Municipal Trusts resulting from the use of such series as instruments for reinvestment. Under the current Reinvestment Program, distributions of the principal and interest for reinvestment units are normally reinvested in additional reinvestment units at no cost to the individual series. If a unitholder withdraws from the Reinvestment Program, however, the Trustee would no longer reinvest principal and interest distributions in additional reinvestment units but would be required to mail such distributions each month to the holder of such reinvestment units. Applicants contend that it is therefore necessary to authorize the trustee to redeem reinvestment units at the time a unitholder withdraws from the Reinvestment Program or at the termination of the Reinvestment Program in order to prevent an increase in the costs of the respective series represented by the reinvestment units.

Section 6(c) of the Act provides, in pertinent part, that the Commission may, upon application, conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions from any provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 3, 1980, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-28744 Filed 9-16-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17141; File No. SR-MSE-80-8]

Midwest Stock Exchange, Inc.; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on May 13, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of Terms of Substance of the Proposed Rule Changes

Article X, Rule 2 and Article XIII, Rules 2(a) and Rule 3 are hereby amended as follows: Brackets indicate deletions; italics indicate new material.

Article X

Margins

Record of Margin Calls and Receipt of Margin—

Rule 2. Each member organization carrying margin accounts for customers shall make each day a record of every case in which, pursuant to the Rules of the Exchange or regulations of the Board of Governors of the Federal Reserve System, initial margin must be obtained in a customer's account because of the transactions effected in such account on such day. Such record shall be preserved for at least [12 months] *3 years* and shall show for each account the amount of margin so required and the time and manner in which such margin is furnished or obtained. Such record shall be in a form approved by the Exchange and shall contain such additional information as the Exchange may from time to time prescribe. The Exchange may exempt any member organization who is a member organization of another national securities exchange having a comparable rule with which such member organization complies.

Article XIII

Advertising and Promotion

Categories and Standards of Advertisements—

Rule 2. No member firm or member corporation *for which this Exchange is the Designated Examining Authority* shall publish, circulate or distribute any advertisement, sales literature, or market letter which fails to meet the standards set forth in this Rule. Advertisements include any material for use in any newspaper or magazine or other public media or by radio, telephone recording, motion picture or television. Sales literature and market letters include any communication for general distribution to customers or the public in which a particular security or insurance policy is featured or recommended, any such communication containing forecasts of business or market trends, and notices, circulars, reports, newsletters, research reports, form letters or reprints of published articles.

Making Recommendations—(a) No change in text.

Promises and Exaggerated Claims Prohibited—(b) No change in text.

Research Reportings in Advertisements—(c) No change in text.

Market Letters and Sales Literature—

Rule 3. All advertisements, market letters and sales literature prepared and issued by a member organization *for which this Exchange is the Designated Examining Authority* shall be approved by a partner of the member firm or an officer of the member corporation. Market letters and sales literature which refer to the market or to specific companies, insurance policies, or securities, listed or unlisted, shall be retained for at least three years by the member organization which prepared the material. The copies retained shall contain the name of the partner or officer approving its issuance and the name or names of the persons who prepared the material, and shall at all times within the three-year period be readily available for examination by the Exchange.

Statement of Basis and Purpose of Proposed Rule Change

The purpose of the proposed rule change with respect to Article X, Rule 2 is to bring this rule into conformity with a change promulgated by the Securities and Exchange Commission. The purpose of the changes with respect to Article XIII, Rules 2 and 3 is to facilitate the periodic examination of member organizations pursuant to agreements now in effect for that purpose with other stock exchanges and the NASD by making these unique rules clearly applicable only to members for which Midwest is the Designated Examining Authority.

The Midwest Stock Exchange, Incorporated has neither solicited nor received any comments.

The Midwest Stock Exchange, Incorporated believes that no burdens have been placed on competition.

On or before October 22, 1980, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 8, 1980.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

September 9, 1980.

[FR Doc. 80-28745 Filed 9-16-80; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 11345; 812-4399]

General American Investors Co., Inc.; Notice of Filing of Application for an Order

September 10,1980.

Notice is hereby given that General American Investors Company, Inc. ("Applicant"), 330 Madison Avenue, New York, New York 10017, a closed-end, diversified investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on December 4, 1978, with amendments thereto on July 17, 1979, and August 7, 1980, for an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 12(d)(3) of the Act so that Applicant can organize a subsidiary, which will register under the Investment Advisers Act of 1940 ("Advisers Act"), and acquire all of its outstanding capital stock. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, a Delaware corporation, states that since its incorporation in 1928 it has been managed by its officers and directors, rather than by an external advisory organization pursuant to contract. Applicant represents that in 1973 it sought and received shareholder approval of a decision by its board of directors to enter into the business of providing investment advisory services to others. Applicant states that the board's decision was made as a result of its consideration of various approaches to enhancing the use of its in-house research staff and facilities (1) to improve its expense ratio by earning additional income and (2) to strengthen its ability to attract and retain highly qualified management and research personnel. Applicant states further that, after receiving shareholder approval, it acquired a small number of investment advisory clients. Applicant represents that it has an informal understanding with those advisory clients that their portfolios will generally contain securities which are also held by Applicant and represents that, in fact, since Applicant's advisory business commenced, the portfolios of its advisory clients have overlapped with its own portfolio and no security in any advisory account is not also in its portfolio, although not all of the securities in its portfolio are held by the outside accounts. Applicant further represents that it intends to continue its policy of overlapping portfolios. According to the application, Applicant adopted certain procedures with respect to purchases and sales for its account and for its advisory clients in order to assure fair dealing. Applicant maintains that it has used those procedures since 1973 and that it has not experienced any greater difficulty acquiring or disposing of securities as a result of providing advisory services to third parties. In this regard, Applicant asserts that, to the extent it has been affected at all by trading larger blocks of stock, it has experienced the benefits of the lower commission rates obtainable for such trades. Applicant states that revenues from its advisory business have enabled it to more than offset rising costs.

Applicant states that its board of directors now believes, based on the same fundamental considerations underlying its decision in 1973 to enter into the business of providing investment advice to others, that it would be desirable to expand its advisory business. According to the application, Applicant proposes to organize a subsidiary ("Subsidiary") which would register under the Advisers Act and would, as Applicant has, solicit and enter into contracts with new investment advisory clients with investment objectives similar to those of Applicant. Applicant represents that its board of directors has determined to organize the Subsidiary, rather than to continue providing investment advice directly, in order to maintain its tax status as a regulated investment company under the Internal Revenue Code of 1954 ("Code"). Applicant submits that Section 851(b)(2) of the Code effectively limits the income which may be generated through an advisory business conducted directly by a regulated investment company. Applicant states that both management and its board of directors have determined that it would be risky for Applicant to take on additional investment advisory clients directly or to allow current advisory accounts to grow substantially, because of the potential for transgressing the limitations set forth in Section 851(b)(2) of the Code. Accordingly, Applicant states that when the fee income derived from management of the assets of current advisory clients reaches an amount whereby its tax status would be jeopardized, new assets of existing clients will be managed by the Subsidiary.

Applicant states that the Subsidiary would be capitalized with an amount of money and assets reasonably necessary to cover its organizational expenses and would utilize certain employees and facilities of Applicant to meet the investment advisory requirements of existing and new clients. Applicant represents that expenses associated with the provision of investment advisory services, other than direct expenses, will be allocted between Applicant and the Subsidiary and that all net income generated by the Subsidiary will be passed on to Applicant in the form of dividends. Applicant states that, initially, all of the officers and employees of Applicant will hold similar positions as officers and employees of the Subsidiary and that its officers will be directors of the Subsidiary. Applicant represents that, while its board of directors has not finally determined the compensation of its officers and employees following the start-up of the Subsidiary, it is contemplated that they will not be compensated solely as a result of holding positions as directors, officers or employees of the Subsidiary.

Section 12(d)(3) of the Act, in pertinent part, makes it unlawful for any registered investment company to purchase or otherwise acquire any security issued by or any other interest in the business of any person who is either an investment adviser of an investment company or an investment adivser registered under the Advisers Act. Applicant states that since the Subsidiary will register under the Advisers Act, Applicant's interest in the Subsidiary would violate the provisions of Section 12(d)(3).

Section 6(c) of the Act provides, in part, that the Commission may, upon application, conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant requests an order of the Commission, pursuant to Section 6(c), exempting it from the provisions of

Section 12(d)(3) so that it can wholly own the Subsidiary.

In support of the requested exemption, Applicant asserts that, together with the Subsidiary, it will be conducting the same business that it is currently conducting directly. Applicant maintains that it contemplates no change either in the methods presently employed for investment research and portfolio management or in the number of persons employed. Applicant emphasizes that the underlying reason for the formation and ownership of the Subsidiary is to increase its gross revenues and income without jeopardizing its tax status as a regulated investment company. Applicant argues that Section 12(d)(3) should not prevent its shareholders from realizing the substantial benefits to be obtained through its ownership of the Subsidiary. Applicant asserts that the procedures and policies that it has adopted with respect to the Subsidiary and the methods of operations proposed will ensure that Applicant will continue to be operated and managed in the interests of its security holders and that ownership by it of the Subsidiary will otherwise be consistent with the purposes fairly intended by the policy and provisions of the Act. Applicant states that when its board of directors first recommended entry into the investment advisory business, it did so after discussion of the concomitant risks and liabilities. Applicant represents that its board of directors is satisfied that the added risks have been justified in light of the benefits to Applicant from its initial entry into the investment advisory business. Applicant further represents that its board of directors believes there will be no additional risks or liabilities to which Applicant or the Subsidiary would be exposed as a result of the creation of the Subsidiary and the commencement of its operations.

In addition, Applicant has consented to the imposition of the following conditions to any order issued herein:

1. Applicant's board of directors expressly recognizes its fiduciary responsibility to oversee on a continuing basis and approve (by at least a vote of a majority of the directors of Applicant who are not "interested persons" of Applicant as defined in the Act) at least annually the compensation of officers of Applicant and of the Subsidiary.

2. Applicant's board of directors will review at least annually the investment advisory business of Applicant and the Subsidiary in order in determine whether or not such business should be continued and whether or not the benefits derived by Applicant warrant the continuation of the investment advisory business and the ownership by Applicant of the Subsidiary and, if appropriate, approve (by at least a vote of a majority of the directors of Applicant who are not "interested persons" of Applicant as defined in the Act) at least annually such continuation.

3. Applicant will, consistent with its normal shareholder communications practices, which include the preparation and mailing of annual, semi-annual and quarterly reports, and proxy statements, advise its shareholders of the creation of the Subsidiary, the implementation through the Subsidiary of an expansion of its outside advisory services and an assessment of whatever risks, if any, are associated therewith promptly after the entry of the requested order.

4. The effectiveness of any order issued herein shall be conditioned upon Applicant's continued tax status as a regulated investment company within the meaning of Section 851 of the Code.

5. Applicant undertakes, without prejudice to the right of its board of directors to dispose to unaffiliated persons the equity interest of Applicant in the Subsidiary in its entirety, that it will at all times own beneficially and of record all of the issued and outstanding shares of capital stock of the Subsidiary and will cause the Subsidiary not to issue any authorized but unissued shares of its capital stock to any person other than Applicant.

Notice is further given that any interested person may, not later than October 6, 1980, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

George A. Fitzsimmons,
Secretary.

[FR Doc. 80–28760 Filed 9–16–80; 8:45 a.m.]

BILLING CODE 8010-01-M

[Release No. 11338; 811-2867]

New Haven Corp.; Notice of Filing of Application for an Order Declaring That Applicant Has Ceased To Be an Investment Company

September 9, 1980.

Notice is hereby given that New Haven Corporation ("Applicant") 54 Meadow Street, New Haven, Connecticut 06506, registered under the Investment Company Act of 1940 ("Act") as a non-diversified, closed-end, management investment company filed an application on August 18, 1980, pursuant to Section 8(f) of the Act, for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representation contained therein, which are summarized below.

Applicant, a Delaware corporation, registered under the Act on August 30, 1978. It has never engaged in a public offering of shares of its securities and does not propose to make a public offering. Accordingly, Applicant has not filed any registration statements pursuant to the Securities Act of 1933.

The application states that Applicant currently has no securityholders. The Applicant also states that it has no assets or liabilities. Applicant further states that it is not a party to any litigation or administrative proceeding. The Applicant's Registration Statement (Form N–8B–1, Item 9) reported that Applicant was expected to succeed to the assets of the New York, New Haven and Hartford Railroad Co., Debtor (the "New Haven"), in connection with implementation of the Plan of Reorganization of the New Haven ("Plan"). However, as approved by the Reorganization Court, such Plan does not contemplate utilization of Applicant.

The application further states that Applicant will not engage in any business activities pending consummation of the Plan. Finally, Applicant states that it has not within the last eighteen months transferred any of its assets to a separate trust the beneficiaries of which were or are securityholders of Applicant.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 6, 1980, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing, upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-28759 Filed 9-16-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11343; 811-583]

U.S. Railroad Securities Fund, Inc.; Notice of Proposal To Terminate Registration

September 10, 1980.

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act"), to delcare by order on its motion, that U.S. Railroad Securities Fund, Inc. ("Fund"), 134 North La Salle Street, Chicago, Illinois 60602, registered under the Act as a closed-end, non-diversified management investment company, has ceased to be an investment company.

Information contained in the files of the Commission indicates that the Fund was organized under the laws of the State of Ohio on April 26, 1905, and registered under the Act on June 19, 1950. The Fund was originally engaged in the business of operating an intra-state switching railroad which operations ceased in January, 1937. The original name of the Fund was The Culver & Port Clinton Railroad Company, which was changed to the present name in 1955.

The Fund filed a registration statement on Form S–4 under the Securities Act of 1933 ("1933 Act") on February 12, 1953, for the public offer and sale of shares of its common stock, which registration statement became effective on April 3, 1953. This public offering of the Fund's shares of common stock was terminated on April 24, 1953, with a total of 68,050 shares outstanding. The files of the Commission indicate that the Fund filed no other registration statements pursuant to the 1933 Act to make an additional public offering of shares of its capital stock. The last Form N–30A–1 filed by the Fund with the Commission indicates that on December 31, 1963, the Fund had 109 shareholders of record. The files of the Commission indicate that on February 24, 1964, the Fund filed with the Commission a proxy statement which would authorize the Board of Directors to effect a plan of liquidation of the Fund. In addition, a letter dated July 23, 1965, from the Vice-President of the Fund indicates that the portfolio of the Fund had been liquidated and that the writer of the letter was the last surviving officer of the Fund. Thus, it appears that the Fund is not currently engaged in the business of an investment company.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company it shall so declare by order, which may be made upon appropriate conditions if necessary for the protection of investors, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may not later than October 6, 1980, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Fund at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the matter will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-28761 Filed 9-16-80; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 09/09/-0184]

Grocers Capital Co., Inc.; Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Grocers Capital Company (Grocers) 2601 S. Eastern Avenue, Los Angeles, California 90040, a Federal Licensee under the Small Business Investment Act of 1958, as amended, has filed an application with the Small Business Administration pursuant to § 107.1004 of the Regulations governing small business investment companies (13 CFR 107.1004 (1980)) for approval of a conflict of interest transaction.

Grocers proposes to loan $65,000 to John & Joseph Palmero, d/a/b/ the Country Hills Liquor (Country Hills), Birch Street & Kramer Street, Brea, California. The proceeds of the loan will be used to purchase equipment for a Liquor Deli Grocery Store from Grocers Equipment Company (G.E.C.).

All of Grocers stock is owned by subsidiaries of Certified Grocers of California, Ltd. (Certified), a retailer-owned grocery cooperative. G.E.C., a subsidiary of Certified, is a 41 percent shareholder of Grocers and is defined as an Associate by Section 107.3 of SBA

Rules and Regulations. As a result, Grocers financing of Country Hills falls within the purview of § 107.1004(b)(5) of the SBA Regulations. Grocers loan to Country Hills requires prior written approval of SBA.

Notice is hereby given that any person may not later than 15 days from the date of publication of this Notice submit written comments to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A similar Notice shall be published in a newspaper of general circulation in the Los Angeles, California area.

(Catalog of Federal Domestic Assistance Programs No. 95.001, Small Business Investment Companies)

Dated: September 12, 1980.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 80-28748 Filed 9-16-80; 8:45 am]

BILLING CODE 8025-01-M

[License No. 09/09-0184]

Grocers Capital Co., Inc.; Application for Approval of Conflict-of-Interest Transaction Between Associates

Notice is hereby given that Grocers Capital Company (Grocers), 2601 S. Eastern Avenue, Los Angeles, California 90040, a Federal Licensee under the Small Business Investment Act of 1958, as amended, has filed an application with the Small Business Administration pursuant to Section 107.1004 of the Regulations governing small business investment companies (13 CFR 107.1004(1980)) for approval of a conflict of interest transaction.

Grocers proposes to loan $75,000 to Scarcliff & Taylor #2, d/b/a the Santa Cruz Market (Santa Cruz), 605 Milpas Street, Santa Barbara, California. The proceeds of the loan will be used to purchase refrigerated cases and shelving for a Retail Grocery Store from Grocers Equipment Company (G.E.C.).

All of Grocers stock is owned by subsidiaries of Certified Grocers of California, Ltd. (Certified), a retailer-owned grocery cooperative. G.E.C., subsidiary of Certified, is a 41 percent shareholder of Grocers and is defined as an Associate by Section 107.3 of SBA Rules and Regulations. As a result, Grocers financing of Santa Cruz falls within the purview of Section 107.1004(b)(5) of the SBA Regulations. Grocers loan to Santa Cruz requires prior written approval of SBA.

Notice is hereby given that any person may not later than 15 days from the date of publication of this Notice submit written comments to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street N.W., Washington, D.C. 20416.

A similar Notice shall be published in a newspaper of general circulation in the Santa Barbara, California area.

(Catalog of Federal Domestic Assistance Programs No. 95.001, Small Business Investment Companies)

Dated: September 12, 1980.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 80-28747 Filed 9-16-80; 8:45 am]

BILLING CODE 8025-01-M

Small Business Continuity; Meeting

Pursuant to statutory authority set forth in section 634d of Title 15, United States Code, the Chief Counsel for Advocacy of the Small Business Administration, Milton D. Stewart, Esquire, with the approval of the Administrator, A. Vernon Weaver, and the assistance of a Special Task Group of small business people, will conduct a public meeting in Washington, D.C. on October 3 and 4 on "Small Business Continuity." The meeting will convene in the Cumberland "B" Room of the Thomas Circle Holiday Inn, 1155 14th Street, N.W., at 9:00 AM (EDT).

The Office of the Chief Counsel for Advocacy will study the question of what changes are needed in laws, regulations or institutions in order to enhance the financing of a change of ownership on the exit or retirement of owners, or the death or disability of founders or family members.

The meeting is open to the public. Any member of the public may participate as an "Observer" and submit written comments to the Office of the Chief Counsel for Advocacy before, during or after the meeting. All communications or inquiries regarding the meeting should be addressed to:

Tim C. Ford, Office of the Chief Counsel for Advocacy, U.S. Small Business Administration, 1441 L Street, N.W., Room 219, Washington, D.C. 20416.

Dated: September 11, 1980.

Milton D. Stewart,

Chief Counsel for Advocacy.

[FR Doc. 80-28750 Filed 9-16-80; 8:45 am]

BILLING CODE 8025-01-M

Region II Syracuse District Advisory Council Meeting

The Small Business Administration Region II Syracuse District Advisory Council, located in the geographical area of Syracuse, New York, will hold a public meeting at 9:00 a.m., Friday, October 24, 1980, at the Sheraton Inn, located on Electronics Parkway in Liverpool, New York, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call J. Wilson Harrison, District Director, U.S. Small Business Administration, 1071 Federal Building, 100 South Clinton Street, Syracuse, New York 13260—(315) 423-5371.

Dated: September 11, 1980.

Michael B. Kraft,

Director, Office of Advisory Councils.

[FR Doc. 80-28751 Filed 9-16-80; 8:45 am]

BILLING CODE 8025-01-M

Region IV Advisory Council Meeting

The Small Business Administration Region IV Advisory Council, located in the geographical area of Jackson, Mississippi, will hold a public meeting at 8:00 a.m., (CST) Friday, October 24, 1980, at the Ramada Inn, Greenville, Mississippi, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Sam M. Baker, District Director, U.S. Small Business Administration, 322 Federal Building, 100 W. Capitol Street, Jackson, Mississippi 39201—(601) 960-4363.

Dated: September 10, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-28752 Filed 9-16-80; 8:45 am]

BILLING CODE 8025-01-M

Region VI Advisory Council Meeting

The Small Business Administration Region VI Advisory Council, located in the geographical area of Lower Rio Grande Valley, Texas, will hold a public meeting from 10:00 a.m. to 2:00 p.m., Friday, October 10, 1980, at the Sheraton Marina Inn, Corpus Christi, Texas, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call J. Harold Sears, District Director, U.S. Small Business Administration, 222 East Van Buren, Harlingen, Texas 78550—(512) 423-4533.

Dated: September 9, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-28753 Filed 9-16-80; 8:45 am]

BILLING CODE 8025-01-M

Region VII Advisory Council Meeting

The Small Business Administration Region VII Advisory Council, located in the geographical area of Des Moines, Iowa, will hold a public meeting at 9:30 a.m., Monday, October 20, 1980, at the Savery Hotel, 4th & Locust, Des Moines, Iowa, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Conrad E. Lawlor, District Director, U.S. Small Business Administration, 210 Walnut Street, Des Moines, Iowa 50309—(515) 284–4567.

Dated: September 10, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-28754 Filed 9-16-80; 8:45 am]

BILLING CODE 8025-01-M

Region VIII Advisory Council Meeting

The Small Business Administration Region VIII Advisory Council, located in the geographical area of Casper, Wyoming, will hold a public meeting at 8:30 a.m., Friday, October 10, 1980, at the Antler Motel, 50 West Pearl, Jackson, Wyoming, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call James S. Reed, District Director, U.S. Small Business Administration, P.O. Box 2839, Casper, Wyoming 82602—(307) 265–5550, Ext. 5761.

Dated: September 10, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-28755 Filed 9-16-80; 8:45 am]

BILLING CODE 8025-01-M

Region IX Advisory Council Meeting

The Small Business Administration Region IX Advisory Council, located in the geographical area of Los Angeles, California, will hold a public meeting at 12:00 noon, Tuesday, October 14, 1980, at the Taix Les Freres French Restaurant, 1911 West Sunset Boulevard, Los Angeles, California, to discuss such business as may be presented by memebers, the staff of the U.S. Small Business Administration, and others attending.

For luncheon reservation and further information, write or call Rudolph I. Estrada, District Director, U.S. Small Business Administration, 350 S. Figueroa Street, Suite 600, Los Angeles, California 90071, phone (213) 688–2977.

Dated: September 11, 1980.

Michael B. Kraft,

Director, Office of Advisory Councils.

[FR Doc. 80-28756 Filed 9-16-80; 8:45 am]

BILLING CODE 8025-01-M

TENNESSEE VALLEY AUTHORITY

Low-Level Radioactive Waste Management at the Watts Bar Nuclear Plant, Rhea County, Tenn.; Finding of No Significant Impact

In accordance with section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA), and section 5.3.4 of the Tennessee Valley Authority's Procedures for Compliance with the National Environmenal Policy Act, and consistent with § 1501.4 of the Council on Environmental Quality Provisions for Implementing NEPA (43 FR 55,978–56,007 (1978), the Tennessee Valley Authority (TVA) is giving notice that it has determined that the construction and operation of a life-of-plant onsite storage facility and volume reduction/solidification facility for low-level radioactive waste (LLRW) at the Watts Bar Nuclear Plant site (located in Rhea County, near Spring City, Tennessee) are not major Federal actions significantly affecting the quality of the human environment and an environmental impact statement is not necessary for this proposal. TVA has prepared an environmental assessment (EA) of the impacts related to this proposal and has identified measures to minimize the effects of construction and operation on the environment.

TVA's EA considers, among other areas, the potential for impacts to air, land, and water; impacts from noise, radiation, and solid waste generation during construction and operation of the facilities. The EA addresses alternatives to the proposal, including taking no action or delaying action. There are no significant environmental impacts associated with this proposal.

During construction some siltation may occur, and the release of small amounts of gaseous and particulate pollutants can be expected. Small amounts of radioactive and nonradioactive gaseous emmissions will occur during operation of the facilities. The cumulative dose rates from these facilities and the Watts Bar Nuclear Plant under worst case conditions at the site boundary would be much less than allowed under regulatory guidelines.

Copies of the EA are available to the public by calling TVA's toll-free Citizen Action Line at 1–800–362–9250 (inside Tennessee), 1–800–251–9242 (outside Tennessee), and 632–4100 in Knoxville, or by contacting TVA's Information Office, 400 Commerce Avenue, Knoxville, Tennessee, 37902.

Any additional information concerning this proposal should be directed to: Dr. Mohamed T. El-Ashry, Director of Environmental Quality, Natural Resources Building, Norris, Tennessee 37828.

W. F. Willis,

General Manager.

[FR Doc. 80-28619 Filed 9-16-80; 8:45 am]

BILLING CODE 8120-01-M

VETERANS ADMINISTRATION

Medical Research Service Merit Review Boards; Meetings

The Veterans Administration gives notice pursuant to Pub. L. 92–463 of the meetings of the following Merit Review Boards.

Merit review board	Date	Time	Location
Infectious diseases	Sept. 24, 1980	8 a.m. to 5 p.m	Barcelona Room, International Hotel.[1]
Immunology	Sept. 30, 1980	7 p.m. to 11 p.m	Room 1104, Park Central Hotel.[2]
Do	Oct. 1, 1980	8 a.m. to 5 p.m	Do.
Hematology	Oct. 6, 1980	do	Room 817, VACO.[3]
Alcoholism and drug dependence	Oct. 7, 1980	do	Do.
Behavioral sciences	Oct. 9, 1980	do	Room A–0, VACO.
Do	Oct. 10, 1980	do	Do.
Oncology	Oct. 17, 1980	do	Room 119, VACO.
Surgery	Oct. 23, 1980	do	Brampton A, Omni International Hotel.[4]
Respiration	Oct. 24, 1980	do	Room 119, VACO.
Endocrinology	Oct. 30, 1980	do	Do.
Neurobiology	Oct. 30, 1980	7 p.m. to 11 p.m	Room 1104, Park Central Hotel.
Do	Oct. 31, 1980	8 a.m. to 5 p.m	Do.

Merit review board	Date	Time	Location
Gastroenterology	Nov. 5, 1980	do	Haymarket Room, Hyatt Regency Hotel.[5]
Basic sciences	Nov. 13, 1980	do	Room 213, Convention Center.[6]
Do	Nov. 14, 1980	do	Do.
Cardiovascular studies	Nov. 20, 1980	12 noon to 11 p.m	Fontainebleau Hotel.[7]
Nephrology	Nov. 21, 1980	8 a.m. to 5 p.m	Room A-O, VACO.

[1] International Hotel, 300 Canal Street, New Orleans, LA 70140.
[2] Park Central Hotel, 705 18th Street NW, Washington, DC 20006.
[3] Veterans Administration Central Office, 810 Vermont Ave. NW, Wash., DC 20420.
[4] Omni International Hotel, Atlanta, GA 30303.
[5] Hyatt Regency Hotel, 151 East Wacker Drive, Chicago, IL 60601.
[6] Convention Center, Cincinnati, OH 45202.
[7] Fontainebleau Hotel, 4441 Collins Ave., Miami Beach, FL 33140.

These meetings will be for the purpose of evaluating scientific merit of research conducted in each specialty by Veterans Administration investigators working in Veterans Administration hospitals and clinics.

The meetings will be open to the public up to the seating capacity of the rooms at the start of each meeting to discuss the general status of the program. All of the Merit Review Board meetings will be closed to the public after approximately one-half hour from the start, for the review, discussion and evaluation of initial, and renewal research projects.

The closed portion of the meetings involve: discussion, examination, reference to, and oral review of site visits, staff and consultant critiques of research protocols, and similar documents. During this portion of the meeting, discussion and recommendations will deal with qualifications of personnel conducting the studies, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, as well as research information, the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action regarding such research projects. Closure of these meetings is in accordance with subsection 10(d) of Pub. L. 92-463, as amended by Pub. L. 94-409, and as cited in 5 U.S.C. 552b(c)(6) and (9)(B).

The appearance of this notice in the Federal Register at least 15 days prior to the first meeting listed, has been hindered due to delays in administrative processing.

Because of the limited seating capacity of the rooms, those who plan to attend should contact Mr. Howard M. Berman, Chief, Merit Review Board Staff Division, Medical Research Service, Veterans Administration, Washington, DC, (202)-389-5065 at least five days prior to each meeting. Minutes of the meeting and rosters of the members of the Boards may be obtained from this source.

Dated: September 11, 1980.

Max Cleland,

Administrator.

[FR Doc. 80-28660 Filed 9-16-80; 8:45 am]

BILLING CODE 8320-01-M

Voluntary Service National Advisory Committee; Meeting

The Veterans Administration gives notice that the annual meeting of the Veterans Administration Voluntary Service National Advisory Committee, composed of representatives of 45 national voluntary organizations and three associate national voluntary organizations, will be held at the Rosslyn Westpark Hotel, 1900 North Fort Myer Drive, Arlington, VA on October 27 through 29, 1980.

Registration of the conferees and preliminary meetings on procedural matters will be held beginning at 8 a.m. on October 27, 1980. The meeting will officially convene with a Plenary Session at 9 a.m., October 28, in the Rosslyn Room A and B of the hotel and will conclude at noon on October 29, 1980.

The purposes of the meeting are to instruct committee members and officials of their organizations in obligations they have accepted for volunteer recruitment, communications and program interpretation, and to seek the advice of the committee in further developing volunteer participation in the care and treatment of veteran patients throughout the agency's nationwide medical program.

Dated: September 11, 1980.

Max Cleland,

Administrator.

[FR Doc. 80-28659 Filed 9-16-80; 8:45 am]

BILLING CODE 8320-01-M

Ambulatory Care Addition, Project No. 609-019 and 60-Bed Nursing Home Care Unit, Project No. 609-018, Veterans Administration Medical Center, Marion, Ill., Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the construction of an ambulatory care addition and a 60-bed nursing home care unit (NHCU) at the Veterans Administration Medical Center (VAMC) in Marion, Illinois.

The proposed project actions will be two separate undertakings occurring at different time intervals. Nevertheless, construction phases may overlap during actual project development.

The ambulatory care addition consists of construction containing approximately 17,000 net square feet of space and will be located on the east side of building No. 1. The project will involve construction of a new entrance road extension, drop-off area and additional surface parking area.

The NHCU project will be construction of a new single-story building, appended by means of a connecting corridor (approximately 75 feet) to building No. 1. The proposed location of the facility is an area directly southwest of building No. 1. The structure will encompass approximately 17,000 net square feet of space complete with necessary plumbing, heating ventilation, air conditioning, electrical, drainage systems and surface parking.

Development of the separate projects will have impacts on the human and natural environment affecting open space, noise levels and surface water runoff. Additionally, architectural significance of the existing structures, near the project locations, will require that consideration be given to its visual impact. Consultation will occur with the State Historic Preservation Officer (SHPO) and this agency's responsible official.

The mitigation of the project impacts on the environment include: implementation of erosion and sedimentation controls; onsite noise abatement measures; and air quality controls. Short term impacts of dust and fumes associated with the project construction will be minimized.

Findings conclude the proposed action will not cause a significant effect on the physical and human environment and, therefore, does not require preparation of an Environmental Impact Statement. This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, §§ 1501.3 and 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Officer of Environmental Affairs (003A), Room 1027A, Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420 (202-389-2526). Questions or requests for single copies of the Environmental Assessment may be addressed to the above office.

Dated: September 10, 1980.

By direction of the Administrator.

Maury S. Cralle, Jr.,

Associate Deputy Administrator.

[FR Doc. 80-28682 Filed 19-16-80; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 182
Wednesday, September 17, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

CIVIL AERONAUTICS BOARD.

[M-292 Amdt. 2, September 11, 1980]

Deletion and addition from the September 12, 1980 meeting agenda.

TIME AND DATE: 9:30 a.m., September 12, 1980.

PLACE: Room 1027, 1825 Connecticut Avenue N.W., Washington, D.C. 20428.

SUBJECT:

1a. Docket 20051; Agreements for the Establishment of Airline Scheduling Committees; Petition of New York Air for Declaratory Order of Other Relief. (BDA)

11. Tariffs that state prices as maximum amounts instead of exact amounts (OGC, BDA)

12. Docket 38298, Application by Trans World Airlines for exemption to pay commissions to forwarders, now prohibited by section 296.32 of the Board's Economic Regulations; Docket 38284, Application by Northwest Airlines for exemption to charge passenger fares and cargo rates lower than those in their effective tariffs; Dockets 38157, 38242, 38308, 38309, 38447, and 38554, Applications by Braniff Airways, Japan Airlines, Korean Airlines, Pan American World Airways, Philippine Airlines, and Singapore Airlines for an exemption to permit acceptance of tickets of other carriers at fares not on file. (OGC, BDA)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor (202) 673-5068.

[S-1713-80 Filed 9-12-80; 4:46 pm]

BILLING CODE 6320-01-M

2

CIVIL AERONAUTICS BOARD.

[M-292 Amdt 1, September 10, 1980]

Notice of deletion and additional from the September 12, 1980 meeting agenda.

TIME AND DATE: 9:30 a.m., September 12, 1980.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

Deletion: 10. Docket 37982, Reconsideration of Domestic Fare Flexibility. (BDA, OGC)

Deletion: 22. Dockets 35908, and 36204, Notices of USAir and Pennslyvania Commuter Airlines to terminate service at Clearfield/Philipsburg, PA. (BDA, OCCR)

Addition: 19. Docket 38319, Air Micronesia's and Continental's Notice to Reduce Service between Guam and Palua and between Ponape and Honolulu. (Memo No. 9910, BDA)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

[S-1714-80 Filed 9-12-80; 4:46 p.m.]

BILLING CODE 6320-01-M

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Friday, September 26, 1980.

PLACE: 2033 K Street NW., Washington, D.C., Eighth Floor conference room.

STATUS: Closed.

MATTER TO BE CONSIDERED: Surveillance briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1719-80 Filed 9-15-80; 11:59 a.m.]

BILLING CODE 6351-01-M

4

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Tuesday, September 23, 1980.

PLACE: 2033 K Street NW., Washington, D.C., Fifth Floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Financial audit of two Exchanges
Enforcement Matter
Offer of Settlement

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1721-80 Filed 9-15-80; 2:35 pm]

BILLING CODE 6351-01-M

5

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, September 23, 1980.

PLACE: 2033 K Street NW., Washington, D.C., Fifth Floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED: Status report on time sequencing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1723-80 Filed 9-15-80; 2:38 pm]

BILLING CODE 6351-01-M

6

COUNCIL ON ENVIRONMENTAL QUALITY.

September 12, 1980.

TIME AND DATE: 11:30 a.m., September 25, 1980.

PLACE: Conference Room, 722 Jackson Place NW., Washington D.C. 20006.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Old Business.
2. Progress Report on "Scoping" Project.
3. The General Counsel's Office NEPA oversight project.

CONTACT PERSON FOR MORE INFORMATION: John F. Shea III (202) 395-4616.

[S-1716-80 Filed 9-18-80; 5:07 p.m.

BILLING CODE 3125-01-M

7

FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Monday, September 22, 1980.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph P. Coyne, Assistant to the Board (202) 452-3204.

Dated: September 12, 1980.

Griffith L. Garwood,

Deputy Secretary of the Board.

[S-1712-80 Filed 9-14-80; 4:31 pm]

BILLING CODE 6210-01-M

8

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Thursday, September 18, 1980.

PLACE: Room 432, Federal Trade Commission Building, Sixth Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: Presentation on the development of a marketing plan by the Association of National Advertisers and the American Association of Advertising Agencies, with question and answer period to follow.

CONTACT PERSON FOR MORE INFORMATION: Pamela F. Richard, Office of Public Information: (202) 523-3830; Recorded Message: (202) 523-3806.

[S-1720-80 Filed 9-15-80; 12:05 pm]

BILLING CODE 6750-01-M

9

[USITC ERB-80-10]

INTERNATIONAL TRADE COMMISSION.

Executive Resources Board.

TIME AND DATE: 10 a.m., Wednesday, September 24, 1980.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED: Pursuant to the specific exemptions of 5 U.S.C. 552b(c)(2) and (6), on the authority of 19 U.S.C. 1335, and in conformity with 19 CFR 201.36(b)(2) and (6), Commissioners Calhoun, Bedell, and Stern, as members of the Executive Resources Board (ERB), voted to hold a meeting of the Board in closed session as follows:

1. Old Business:
   a. Criteria for SES bonuses and awards.
   b. Executive development.
   c. SES manpower planning.
2. New Business:
   a. Appraisals.
   b. Review by OPM.

A majority of the entire membership of the Board felt that this meeting should be closed to the public since: (1) the discussion would only concern internal personnel practice and procedures; and (2) the information discussed would be likely to disclose information of a personal nature which could constitute a clearly unwarranted invasion of personal privacy.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-1711-80 Filed 9-12-80; 4:22 pm]

BILLING CODE 7020-02-M

10

NATIONAL CREDIT UNION ADMINISTRATION.

Notice of meeting to be held with less than 7 days advance notice.

TIME AND DATE: 4:30 p.m., Wednesday, September 17, 1980.

PLACE: Seventh floor board room, 1776 G Street NW., Washington, D.C.

STATUS:. Closed.

MATTER TO BE CONSIDERED: Review of Organizational Structure. Closed pursuant to exemptions (2) and (6).

The NCUA Board has determined that its business requires that a meeting be held to discuss this matter and that no earlier announcement of the meeting was possible.

CONTACT PERSON FOR MORE INFORMATION:
Joan O'Neill, Program Assistant, telephone (202) 357-1100.

[S-1722-80 Filed 9-12-80; 2:36 p.m.]

BILLING CODE 7535-01-M

11

NATIONAL RAILROAD PASSENGER CORPORATION.

Board of directors meeting.

In Accordance with Rule 4a. of Appendix A of the Bylaws of the National Railroad Passenger Corporation notice is given that the Board of Directors will meet on September 24, 1980.

A. The meeting will be held on Wednesday, September 24, 1980, in the National Guard Association Building, 3rd Floor, One Massachusetts Avenue, Northwest, Washington, D.C., beginning at 9:30 a.m.

B. The meeting will be open to the public at 11:00 a.m. beginning with agenda item No. 5, as described below.

C. The agenda items to be discussed at the meeting follow.

Agenda

National Railroad Passenger Corporation—Meeting of the Board of Directors, September 24, 1980

(9:30) *Closed Session*

1. Election of Chairman to Preside at September 24 Meeting
2. Internal Personnel Matters
3. Litigation Matters
4. Discussion of Draft Five-Year Plan

(11:00) *Open Session*

5. Report of Nominating Committee: Election of Board and Corporate Officers
6. Approval of Minutes of Regular Meeting of August 27, 1980
7. Commitment Approval Requests:
   80-172: Acquisition of Equipment for Track Maintenance—Empire District
   80-180: Installation of Car Dumping Facilities at Penn Coach Yard, Philadelphia
   80-182: Mobile Radio Repeaters for Police Vehicles
   80-197: Reservations Relocation, Expansion and Modernization (REM) Project
   80-195: Replace and Install Automatic Call Directors at the Five CRO's
   80-196: Reservation and Ticketing System Terminal Replacement and Expansion
   80-194: Computer Equipment Expansion
   80-202: Purchase & Repair 12-Mile Segment of Chicago-Detroit Main Line
   80-209: Station Improvements—Valparaiso Line
8. Board Committee Reports:
   Audit
   Finance
   Northeast Corridor Improvement Project
   Organization and Compensation
9. President's Report
10. New Business
11. Adjournment

D. Inquiries regarding the information required to be made available pursuant to Appendix A of the Corporation's Bylaws should be directed to the Assistant Corporate Secretary at (202) 383-3991.

Barbara J. Willman,
Assistant Corporate Secretary.
September 15, 1980.

[S-1717-80 Filed 9-15-80; 10:02 am]

12

TENNESSEE VALLEY AUTHORITY.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCMENT: FR , September , 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 7 p.m., Thursday, September 18, 1980.

PREVIOUSLY ANNOUNCED PLACE OF MEETING: Fayetteville Recreation Center, U.S. Highway 64E, Fayetteville, Tennessee.

STATUS: Open.

CHANGES IN MATTERS FOR ACTION: The following item is deleted from the previously announced agenda:

F—Unclassified

4. Workplans and budgets related to the mitigation program with the local government entities in the Hartsville Nuclear Plants project area.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call 615-632-3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office, 202-245-0101.

SUPPLEMENTARY INFORMATION:

TVA Board Action

The TVA Board of Directors has found, the public interest not regarding otherwise, that TVA business requires the subject matter of this meeting to be changed to delete the item shown above and that no earlier announcement of this change was possible.

The members of the TVA Board voted to approve the above findings and their approvals are recorded below.

Approved:

S. David Freeman,

Richard M. Freeman,

Robert N. Clemont.

[S-1718-80 Filed 9-15-80; 11:20 am]

BILLING CODE 8120-01-M

federal register

Wednesday
September 17, 1980

Part II

Department of Health and Human Services

National Institutes of Health

Program To Assess Risks of Recombinant DNA Research; Proposed First Annual Update

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Program To Assess the Risks of Recombinant DNA Research: Proposed First Annual Update

AGENCY: National Institutes of Health.

ACTION: Notice of proposed first annual update of a program to assess the risks of recombinant DNA research.

SUMMARY: On September 13, 1979 the initial plan was published in the **Federal Register.** This notice sets forth a proposed first annual update of the program to assess the risks of recombinant DNA research. Interested parties are invited to submit comments concerning the plan. After consideration of those comments and comments by the NIH Recombinant DNA Advisory Committee, the Director of the National Institutes of Health will publish the final update in the **Federal Register.**

DATE: Comments must be received by December 16, 1980.

ADDRESS: Written comments and recommendations should be submitted to the Chief, Office of Specialized Research and Facilities, NIAID, Building 31, Room 7A04, National Institutes of Health, Bethesda, Maryland 20205. All comments received in timely response to this notice will be considered and will be available for public inspection in the above office on weekdays between the hours of 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Additional information may be obtained from Dr. John Nutter, Chief, Office of Specialized Research and Facilities, NIAID, National Institutes of Health, Bethesda, Maryland 20205 (301-496-5643).

SUPPLEMENTARY INFORMATION:

I. Introduction

With the issuance in December 1978 of revised guidelines for the conduct of recombinant DNA research, the Secretary DHEW requested that the National Institutes of Health (NIH) prepare an NIH Risk Assessment Plan which after review by the Recombinant DNA Advisory Committee (RAC) and publication in the **Federal Register** for comment, would be made final and updated annually. The present document is the initial response to the request for an annual update.

II. Scientific Aspects

We stated in the Final Plan and it is still our conviction that:

> "The vast majority of information relevant to recombinant DNA risk analysis has already come from research not primarily designed to provide information on risk. This will undoubtedly continue to be the case. This information will be obtained chiefly from publications in the scientific literature, from persons with special scientific knowledge, and from ongoing basic biomedical research. Risk assessment analysis will require continuing review of data developed in the fields of microbiology, infectious diseases, and related biological research.
>
> Some essential information has been, and will continue to be, derived from projects specifically designed to assess various aspects of potential risks associated with recombinant DNA experimentation. Such experiments will be supported by the Intramural and the Extramural programs of NIH. Many experiments may also be conducted in the private sector or may be funded by other agencies or governments.
>
> The essential goal of a successful risk assessment plan will be the development of means to collect, collate, coordinate, evaluate, and disseminate data obtained from all sources."

The Scientific Aspects of the Plan noted that a number of events must occur before a laboratory microorganism becomes a possible risk to people or higher organisms outside the immediate laboratory environment. A major aspect of the risk assessment plan was to acquire and analyze information and data relevant to those elements for the three general categories of host-vector systems in use; prokaryotic, lower eukaryotic and higher eukaryotic systems. Initial emphasis was on the prokaryotic *E. coli* K-12 systems because those were, and remain, the systems predominately used by investigators and because needed areas of investigation had already been identified. Seven areas were identified as requiring particular consideration and progress has been made in collecting and/or analyzing data for all of them. Before considering these it is worth saying that, despite intensive study by the RAC Subcommittee on Risk Assessment and NIH staff, several conferences and workshops to consider specific issues and several experiments, no risks of recombinant DNA research have been identified that are not inherent in the microbiological and biochemical methodology used in such research. A synoptic report of progress follows and all data, reports, and other documents referred to are available on request.

Prokaryotic Host-Vector Systems

1. Survival in the environment and the potential for selective advantage of organisms carrying recombinant DNA should they survive was cited as a matter of concern. NIAID had four contractors working on various aspects of this issue; the contracts were originally awarded to provide independent testing in the process whereby EK2 systems could possibly be elevated to EK3 status. The tests were performed in situations simulating accidential spills in the laboratory, in a model sewage treatment system, in mice and cultures simulating the mouse gastrointestinal system, and finally in germfree mice and humans. The status of the work of all four contractors, at the time the Plan was initially published, can be found in the Recombinant DNA Technical Bulletin, Vol. 2 No. 2, July 1979. The expiration date of all contracts has now been reached and Final Reports are or soon will be available.

a. The work of the contractor testing in "accidental spill situations" was completed shortly after publication of the Plan and was in two areas: (1) to determine whether selected strains of *E. coli,* used as hosts to propagate recombinant-DNA molecules, and some phage and phasmid vectors would survive or retain their capacity to infect or transform host cells after exposure to the environments expected to occur in the event of spill or aerosolization, (2) to inventory and simulate common procedures used in recombinant DNA laboratory studies so that aerosol output potential of the procedures could be accessed.

Considerable effort was expended on quantitative descriptions of the biological characteristics of hosts and vectors of concern in current rDNA studies and the physical disperson aspects have been examined with particular attention to procedures unique to such laboratory work.

The data on biological survival characteristics are applicable to evaluation of potential dosage to workers or to the environments both from accidents creating massive release and from the continuing releases incidental to the laboratory procedures. Evaluation of the effect of survival of the agents in the course of routine work should assist in prudent and cost-effective application of physical and biological containment. Further, it can lend emphasis to the areas in which training in "good practice" can be most productive.

b. The Survival of EK1 and EK2 Systems in Sewage Treatment Plant Models.

In an early series of studies utilizing bench scale models of wastewater treatment facilities, *E. coli* DP50supF, *E. coli* Chi 1776 and phage Charon 4A concentrations were shown to be reduced by at least two orders of magnitude by a conventional treatment chain (including primary settling followed by activated sludge treatment and anaerobic digestion of all sludges generated). This work was described in brief form in the *Recombinant DNA Technical Bulletin* of July 1979.

Similar results are now available for the survival of *E. Coli* Chi 2656 (which carries plasmid pB322) and for *E. Coli* GF 2174 (carrying plasmid pBR325). Evidence also was sought in these studies for transfer of the plasmids to indegenous coliforms and, within the sensitivity of the methods used, such transfer was not demonstrated. Experiments favoring plasmid transfer in raw wastewater and in primary biological sludges also failed to demonstrate such mobilization.

Likewise, *E. Coli* 2e01C carrying a lambda prophage (λcI857 nin5 plac5) was removed effectively by wastewater treatment; no free lambda phage was observed at any point in the treatment train.

Studies have been completed measuring the survival of an indigenous *E. Coli* and *E. Coli* K–12 in these treatment plant models as well. The results of experiments utilizing such genetically tagged organisms confirm an earlier report that conventional domestic wastewater treatment processes will result in at least two log$_{10}$ reductions in concentration of indigenous, EK1, and EK2 organisms. These results are similar to those obtained with the indigenous wastewater microflora. Further reduction of these host-vector populations will depend on appropriate sludge treatment and effluent disinfection.

c. The contractor who was performing tests in mice and in cultures made significant progress during the intervening year. The most notable result was the establishment of a mathematical model to study the exchange of plasmids between normal hosts and indigenous bacteria.

Plasmid transfer in continuous flow (CF) cultures of defined or natural intestinal flora occurred with similar efficiency as in pure cultures in vitro. One can conclude that the capacity of *E. coli* K–12 strains to function as plasmid donors or recipients was not impaired by the presence of an indigenous microflora. *E. coli* Chi 1776 donated plasmid R1drd19 with somewhat lower efficiency than a standard *E. coli* K–12 donor.

Plasmid transfer in mice harboring a defined intestinal microflora appears to have the same degree of efficiency as in the CF cultures, because the rate constants calculated on the basis of the equations are similar to those obtained in CF cultures. However, the validity of this mathematical treatment for mice is not completely certain, because the mathematical model is based on the assumption that the bacteria are freely suspended, which is not likely to be the case in the animal. Nevertheless, the data suggest that plasmid transfer efficiency in the gut should not differ profoundly from that in CF cultures.

These conclusions are based on similarities of transfer rate constants as measures of donor and recipient capacity. The actual rates of transfer are, of course, critically dependent on the concentrations of donors and recipients. The *E. coli* populations in normal mice (and in people) are so low (approx. 10^5 per ml gut content), that little plasmid transfer occurred in the mice after the initial 20 hours of the experiment, i.e. after the large inoculum of donors had passed through the animals. This was true in spite of the fact that the resident *E. coli* were artifically implanted, highly efficient recipients for the highly efficient conjugative plasmid. It is not very common to find *E. coli* of such high recipient capacity in natural gut flora. Despite the fact that the capacities of the *E. coli* strains to donate or receive the plasmid were not seriously impaired in the gut, the quantitative parameters in the normal gut are such that little actual transfer occurred once the large initial inoculum of donors had been eliminated.

From these data one may tentatively conclude that the probability for triparental transfer of a non-cojugative plasmid in the normal gut would be exceedingly small. The only circumstances in which one could imagine a realistic possibility for triparental transfer to occur, would be at times when abnormally high *E. coli* populations are present in the gut, as may be the case during fasting and other types of stress, in diarrhea or as a consequence of antibiotic therapy.

d. The major effort of the contractor who was testing in both mice and humans in the interim has been to initiate triparental mating studies using Chi 1666 (an EK1 host), the plasmid pBR322 and two additional mobilizing plasmids.

The studies are designed to determine if the presence of a mobilizing plasmid in a bacterial host cell can cause the transfer of the non-conjugative pBR322 to the indigenous microflora of either mice or humans.

Two studies have been done in mice. In both cases germ-free mice were colonized with human *E. coli* to provide an array of potential recipients and then fed the Chi 1666 containing the three plasmids. In the first study 5x10^9 organisms were fed once and fecal samples from the mice were pooled to facilitate assay; Chi 1666 could only be isolated during the first day of the study. In the second mouse study, the Chi 1666 containing the plasmids were fed daily for 4 days to the mice and their drinking water contained tetracycline. In this latter group the Chi 1666 survived at levels of 10^2/gram or less for the 4 days. In neither case, however, was the pBR322 mobilized to the indigenous flora.

Finally, Chi 1666 containing pBR322 and the two mobilizing plasmids was fed to 4 human subjects. More than 70 fecal samples were collected during the study and a large number of cultures and subcultures (2500) performed. The Chi 1666 survived from 3½ to 7 days and that interval corresponds well with previous data from studies in which Chi 1666 was fed to humans with the without pBR322. While the data for transfer of pBR322 await DNA:DNA colony hybridization and further confirmation, from the data already available on the two transferable plasmids, we can make certain estimates. Highly transferable pSL222–4 was found to transfer to coliforms at a frequency no higher than 8x10^{-6}. This value is 10^{-5} lower than seen when the plasmid is tested under the best laboratory conditions. Thus pBR322, which is transferable by F-like R plasmids at 10^{-5}–10^{-8} would be expected to be transferred at an extremely low frequency; probably below experimentally detectable levels. The same is presumably true of potential mobilization by the second conjugative plasmid, although the data for their mobilization of pBR322 are not readily available. We would estimate that pBR322 would be transferred at a frequency at least 10^4–10^5 fold less than the conjugatable plasmid, i.e., 10^{-9}–10^{-10}.

2. Progress on the evaluation of the transmission of vectors from *E. coli* K–12 to other bacteria in the gastrointestinal tract of animals and human beings has been made via three approaches.

a. Data reported in section 1 by two of the contractors relates directly to this question.

b. A meeting was convened on August 30, 1979 at the NIH with the purpose of considering Falmouth Workshop Protocols I and II (Jour. Infect. Dis. *157*, 704–708, 1978) and some related issues. Dr. Stanley Falkow served as Chairman and sixteen participants and NIH staff attended.

Protocol I addressed the colonization and transmission of plasmids from *E. coli* K–12 in the gastrointestinal tract of humans to other bacterial strains in the intestinal flora. The Working Group unanimously recommended that the NIAID not initiate new studies to pursue the investigations as written in Protocol I. This judgment was based on a review of data that existed at the time of the Falmouth Workshop, a consideration of some newer published data and the results of contracts that NIAID was supporting. As written by the Falmouth Workshop Participants, the experiments were to be based on *E. coli* K-12 and this was judged to not be a fruitful experimental model. It was a clear consensus of the Group that, based on the available data, it can be predicted that only negative results will be obtained and that limited resources could be better expended in other pursuits.

Protocol II was designed to study the transmission of plasmids from *E. coli* K-12, including Chi 1776, into the normal intestinal flora utilizing a germ-free mouse model. The Working Group unanimously supported the view that the NIAID should not initiate new studies for the Protocol as it was written but to rely on the contracts to supply some additional data. This judgment was based on the same reasoning and data base considered for Protocol I.

During discussion of the issues cited above it was obvious that the Working Group felt that a more beneficial use of monies would be to support the training of workers in good microbiological laboratory practices and to support research aimed at gaining a better basic scientific understanding of bacterial colonization and plasmid mobilization. Toward this last goal the Working Group strongly recommended that the NIAID support studies that could obtain quantitative data, expand scientific knowledge in an important area and which may prove useful at some future date for risk assessment. The Group felt that such studies should be performed directly in humans and employ wild type *E. coli* (not K-12). Strain HS containing pBR325 was suggested as a good initial combination and the study should be developed to assay for both survival and transfer to the indigenous flora. [These studies are now in their early stages and being performed by an NIAID contractor at the University of Maryland Medical School.]

The full transcript of this meeting and a verbal report was made to RAC at their March 1980 meeting and the recommendations were approved by that Committee.

c. NIAID identified two relevant grant applications and the National Advisory Allergy and Infectious Diseases Council supported selective payment of these projects for inclusion into the risk assessment program.

One grantee will focus on the mechanisms that control human and animal gut flora. Of the four stated proposed aims of the research plan three relate to issues of importance to the NIH Recombinant DNA Risk Assessment Program. They are: (1) characterize and extend the application of anaerobic continuous flow cultures, (2) analyze the efficiency of plasmid and bacteriophage transfer, and (3) determine whether human microflora can be maintained in gnotobiotic mice and in anaerobic continuous flow cultures. The issue of mobilization of vector plasmids to the indigenous flora has always been a concern when considering the use of *E. coli* K-12 based host-vector systems. Most recently concern has been expressed over the potential for exchange of plasmids between the Enterobacteriaceae and the anaerobic flora, principally members of the genus Bacteroides. This project has the capacity for filling a significant void in experimental data.

A second grantee will be exploring a related issue which focuses on the molecular mechanisms of *E. coli* colonization of the intestine, specifically on the relative importance of plasmid or chromosomal determinants of colonization.

At this point in time the majority of experiments using recombinant DNA technology employ host-vector systems based on *E. coli* K-12 and its plasmids or bacteriophages. Prominent among the scenarios raised early in the debate over use of this technology was the possible colonization of the intestinal tract by host-vector systems followed by various consequences depending on the elaboration of a product which would cause harm to the individual by either direct or indirect mechanisms. There now are a considerable number of studies describing the survival of various types of *E. coli* in the intestinal tracts of man and mice and they demonstrate a tremendous disparity in the survivability and colonization potential of such strains. A complete understanding of those factors that control survival and colonization may permit the development of both safer and more useful *E. coli* hosts in the future as well as perhaps provide data suggesting adjustments in the physical containment requirements of the NIH Guidelines governing use of this technology.

3. Experiments testing *E. coli* K-12 host-vector systems carrying recombinant DNA for virulence have been done by NIH scientists. The studies were designed to determine the pathogenicity and stability of shotgun clones of Saccharomyces DNA when used with both plasmid and bacteriophage vectors. In this experimental model, which utilized mice, there was no evidence that the presence of segments of the entire yeast genome altered the inherently low pathogenicity of *E. coli* K-12 in any way.

4. A Workshop was convened to consider two areas [within the NIH Program] recommended by the Risk Assessment Subcommittee of RAC. This Workshop was designed to define the scientific issues and assess the potential risks of: (a) Possible direct adverse effects of hormone-producing strains of *E. coli* K-12, and (b) the possible occurrence of autoantibodies or autoreactive cells due to the production of eukaryotic polypeptides (including hormones) by *E. coli* K-12 should they colonize higher organisms.

In the charge to the Workshop it was noted that these potential risks were under consideration because there is still debate over the degree of possible risk, even though *E. coli* K-12 has apparently lost those known characteristics that are required for colonization of the normal intestinal tract.

The purpose was to decide whether the two specific possibilities are valid scientific hypotheses if such an event did occur; and if valid, to determine if sufficient experimental data already exists to make a final judgment concerning possible risk. If data were insufficient, the participants were asked to outline those types of studies necessary to develop the definitive information on these issues.

The meeting brought together 92 scientists from the fields of immunology, endocrinology, physiology, microbiology, infectious diseases and other appropriate disciplines. The Chairmen's Summary and a full transcript of the Final Plenary Session was distributed to all participants and also the RAC for their review at the June 1980 meeting. In addition to the report of the Director, NIAID, Drs. Setlow and Campbell prepared a separate report and the RAC Risk Assessment Subcommittee reported their analysis of the Workshop.

NIAID Plans in implementing the four prime recommendations was influenced by the RAC discussions. At this time we propose to respond to the recommendations as follows:

a. It was recommended that experiments of the folowing general type should be performed: "*E. coli* cells carrying recombinant NDA and making a mammalian protein are introduced into living animals under conditions where they cause genuine infection (e.g.

an abscess), with subsequent monitoring for breakdown of immune tolerance."

This subject stimulated the most discussion during the final plenary session of the Workshop. The sentiment was to acquire the data as a matter of scientific interest rather than to answer the risk assessment question. An RFP is being developed to solicit applications from interested investigators. Immunologists from the NIAID staff will design the experimental protocol for the workscope and other specifications of the study which is most likely to be an animal model system employing insulin. The matter however is still in the formative stage and proposers will have considerable leeway in outlinging plans to answer the primary questions.

b. Additional information was requested on the handling and absorption of polypeptides in normal and pathologic colon and the potential effects of synthetic peptides on the bowel itself.

We have confirmed that this is an issue about which there are little direct data. The Workshop participants opined that although their own calculations revealed that only extremely small amounts of hormones would be produced under the most ideal conditions, data should still be sought for potential future needs. The issue of the potential effects of synthetic peptides on the bowel itself is different from that of hormones and that discussion was centered on interferon and its direct effect on cells.

Although this will be a difficult study to initiate because of the technical difficulties as well as the process for approval of research in human subjects, NIAID is considering solicitation of grant proposals through an RFA. The study will have as it objective a determination of the fate of peptide hormones when deposited in the distal small intestine and large intestine of humans. These sites are relevant to the production of hormones by recombinant DNA technology because they represent the regions of colonization by *E. coli.*

c. It was suggested that additional information is needed on the potential transfer of plasmids to anaerobic bacteria from *E coli.* This recommendations differs from the findings of the ad hoc group convened in August 1979 which RAC reviewed at the March 1980 meeting. That expert Group noted that by studying the epidemiology of plasmids the conjugative plasmids of *E. coli* are not found within the anaerobic flora of the gut. The uniform use of non-conjugative plasmids in rDNA research further reduces the likelihood of transfer.

It is likely that the requested data will be forthcoming from NIH (NIAID) supported studies on plasmids through the regular grant-supported research programs and that new initiatives are not needed. In fact, the NIAID Advisory Council identified a grant application for selective payment that addressed some aspects of this issue; this action will initiate the acquistion of the data at an early date. There is no plan to develop a RFA at this time but NIAID staff will continue to identify all appropriate incoming applications as potential sources of data.

d. It was recommended that NIH communicate with the Center for Disease Control (CDC) about possible types of health surveillance for workers using recombinant DNA.

A CDC representative was present at the Pasadena meeting and discussed some approaches to this issue. Furthermore, representatives of the National Institute for Occupational Safety and Health and the Occupational Safety and Health Administration were also present and therefore, are cognizant of the Workshop recommendation. All of these agencies are members of The Industrial Practices Subcommittee of the Federal Interagency Advisory Committee on Recombinant DNA Research which is discussing this issue.

5. NIH scientists have continued a further evaluation of the biological activity of polyoma virus DNA cloned in *E. coli* host vector systems. It had been reported (Science *203:* 883–892, 1979), when the Final Plan was initially published that polyoma DNA was noninfectious when cloned in EK2 plasmid and bacteriophage host-vector systems.

As a futher step in evaluating the biologic activity of the polyoma-plasmid and polyoma-lambda recombinant DNA host-vector systems, the scientist tested the ability of the EK2 systems containing polyoma DNA to induce tumors in suckling hamsters.

These animals are highly sensitive to tumor induction by polyoma virus and in some cases even subgenomic fragments of viral DNA can induce tumors in them. The results (Science *205;* 1140–1142, 1979) indicated that inoculation of suckling hamsters with 2×10^8 live cells of *E. coli* K–12 strain Chi 1776 carrying the complete genome of polyoma virus in a recombinant plasmid, failed to induce tumors in any of 32 recipients. Also, lambda phage DNA and particles with a monomeric insert of polyoma DNA did not induce tumors. Purified recombinant plasmid DNA, as well as phage particles and DNA containing a head-to-tail dimer of polyoma DNA, showed a low degree of oncogenicity, comparable to that of polyoma DNA prepared from mouse cells. These findings support the previous conclusions, based on infectivity assays in mice, that propagation of polyoma virus DNA as a component of recombinant DNA molecules in *E. coli* K–12 reduces its biologic activity many orders of magnitude relative to the virus itself.

Currently both the infectivity and tumorigenicity experiments are being extended. In one, *E. coli* K–12 (EK1) containing recombinant plasmids consisting of two copies of polyoma virus DNA and one copy of pBR322 plasmid DNA are being inoculated into newborn hamsters and weanling mice. It is also planned to test lambdaphage lysogens (*E. coli* K–12 containing one or two copies of a lambda bacteriophage-polyoma virus DNA recombinant integrated into the bacterial chromosome) by inoculation into appropriate animal model systems. Results will be published in the open scientific literature and will be presented in a subsequent update of the Final Plan.

6. NIH scientists are also determining the biological activity of *E. coli* K–12 clones carrying DNA copies of an RNA tumor virus. These studies involve the administration of bacterial preparations containing Harvey sarcoma virus DNA to hamsters. These studies are still in progress and when definitive results have been obtained they will be published in the open scientific literature and will appear in an annual update of the final plan.

7. Although they had not appeared in the previous Final Plan, two additional NIAID contract-supported projects are peripherally related to the total risk assessment activities.

a. RAC had suggested that a model cloned DNA segment be constructed to serve as a uniform heterologous DNA segment for risk assessment studies. This endeavor has been successfully completed by an investigator at the University of Wisconsin and employed, as a source of DNA, the plasmid NR79. The EcoRI fragment NR79–R1–G1 contains genes encoding for chloramphenicol, kanamycin and sulfonamide resistance, as well as the promoters that govern these resistances. NR79–R1–G1 was shown not to have an internal EcoRI site and also not to be capable of replicating by itself or with the help of other plasmids. Experimental results indicated that NR79–R1–G1 is not capable of autonomous replication and does not contain an origin of replication that can function in a recombinant plasmid. The antibiotic resistances encoded for by NR79–R1–G1 were tested and found not to be transposable, that is gene movement and insertion at a new site by a mechanism which does not involve the homologous recombination system of the host strain.

Since the fragment is not capable of autonomous replication, plasmid pJT353, a recombinant plasmid containing NR79–R1–G1 cloned into the EcoRI site of pBR322, is the suggested way of propagating this fragment. Stocks of *E. coli* strain KH802 containing pJT353 have been preserved for the propagation and isolation of NR79–R1–G1. Protocols used for the isolation of purified plasmid pJT353 (NR79–R1–G1 and pBR322) and purified NR79–R1–G1 fragment are available.

b. A contract has been awarded to the University of Minnesota to develop a Comprehensive Course on Microbiological Principles and Techniques for Work with Potentially Biohazardous Agents Including Recombinant DNA. The Principal Investigator will work with the Board of Education and Training of the American Society for Microbiology (ASM) in developing the materials.

In 1977, the ASM undertook a study to devise standards of training for recombinant DNA research workers. A proper state of training of the laboratory workers is the first line of containment and it was their opinion that such training standards should be set by knowledgeable professionals. The product of that study was not standards but rather an outline of a body of knowledge which it was felt that any Principal Investigator should be aware of before independently embarking on recombinant DNA research. This contract will develop all necessary resources to present a course based on the ASM findings.

The plan is for the NIAID to support the development of the resource materials and once that phase is completed, the NIH Division of Safety will have the materials reproduced and distributed to the various Institutions where the NIH supports research to assist them in performing their own local training responsibilities. We will devise both a standard lecture/laboratory course and self study aides.

Eukaryotic Host-Vector Systems

Lower eukaryotic and higher eukaryotic host-vector systems were given a lower priority in the Final Plan than prokaryotic systems.

After discussion at both the March and June 1980 meetings, the RAC recommended modifying the Guidelines to include *Saccharomyces cerevisiae* host-vector systems under section III–O. During their consideration the RAC considered information that: (1) *S. cerevisiae* is nonpathogenic, (2) it does not implant in the intestine, (3) the dilute conditions in which it is found in nature are extremely unfavorable for mating, (4) it does not efficiently compete with wild strains of *S. cerevisiae*, (5) it is fully sensitive to autoclaving and disinfection by standard agents, and (6) mammalian genes cloned in *S. cerevisiae* are not expressed.

RAC also considered the question of proper physical containment for higher eukaryotic viral vectors. The Guidelines have been modified to permit work at more relaxed levels of physical containment that previously required.

The Guidelines have been modified to permit recombinant DNA molecules containing no more than two-thirds of the genome of any eukaryotic virus (all viruses from a single Family being considered identical) to be propagated and maintained in cells in tissue culture using P1 containment.

It must be shown that the cells lack helper virus for the specific families of the defective viruses being used. The DNA may contain fragments of the genomes of viruses from more than one family but each fragment must be less than two thirds of a genome.

No initiatives have been started to directly answer the issues raised in the Final Plan relative to eukaryotic host-vector systems. NIH will continue to monitor the results of free ranging research to collect useful data that can be analyzed as part of the risk assessment process.

III. Implementation

The Final Plan stated that NIAID would recruit and appoint an eminent scientist as a Special Assistant to the Director, NIAID for Risk Assessment. Attempts to recruit a person to fill this position were made including national advertising. No individual with the desired level of credentials and broad recognition by the various scientific disciplines was identified who was willing to undertake this work at the NIH under the conditions we could offer. By mid-year it had become evident that the probable scope and number of various activities encompassed by the Risk Assessment Plan would probably stabilize at the current level and not increase further. Consequently the necessity for a Special Assistant was reconsidered and alternatives for satisfying the needs were evaluated. A decision was made to distribute the proposed functions of the Special Assistant to the Office of Recombinant DNA Activities and the Office of Specialized Research and Facilities, both within the NIAID. When appropriate these offices will use ad hoc consultants in fulfilling the tasks originally described for the Special Assistant and for which staff and the RAC Risk Assessment Subcommittee feel that additional or specific expertise is required.

The remainder of the Implementation section of the plan remains in effect as stated. Most implementation actions have been cited earlier in this document, however, an important part of the Plan are periodic reports to the RAC. In this regard, the Director, NIAID reports to the RAC at each meeting on activities related to risk assessment and provides thereby an important and continuing review of progress and receives the advice or comment of this advisory group.

Dated: September 8, 1980.

Donald S. Fredrickson,
Director, National Institutes of Health.

OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592) requires a statement concerning the official government programs contained in the *Catalog of Federal Domestic Assistance.*

Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every federal research program in which DNA recombinant molecule techniques could be used, it has been determined to be not cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every federal program would be included as many federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the *Catalog of Federal Domestic Assistance* are affected.

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Section 8(b) (4) and (5) of that Circular.

[FR Doc. 80–28453 Filed 9–16–80; 8:45 am]

BILLING CODE 4110–08–M

federal register

Wednesday
September 17, 1980

Part III

Consumer Product Safety Commission

Unvented Gas-Fired Space Heaters: Rules Requiring Oxygen Depletion Safety Shutoff Systems (ODS) and Proposed Stockpiling Rule

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1212

Safety Standard Requiring Oxygen Depletion Safety Shutoff Systems (ODS) for Unvented Gas-Fired Space Heaters

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Commission issues a consumer product safety standard requiring that unvented gas-fired space heaters be equipped with an oxygen depletion safety shutoff system (an ODS). The ODS required by this standard prevents carbon monoxide (CO) buildup by shutting off the supply of gas to the heater when oxygen is so depleted as to cause the heater to produce high levels of CO. CO is a poisonous gas and can create an atmosphere hazardous to human life. The standard is expected to reduce the number of deaths from CO poisoning that are associated with unvented gas-fired space heaters. The standard also provides for a label describing the ODS and advising consumers on the need for supplying fresh air when the heater is in use.

DATES: The requirements of the standard apply to all unvented gas-fired space heaters described in the standard that are manufactured or imported after midnight June 14, 1981. The promulgation of the standard will be on September 29, 1980, at 12 noon, E.D.T.

FOR FURTHER INFORMATION CONTACT: (1) Concerning enforcement of the standard: H. Elizabeth Jones, Compliance and Enforcement (301) 492–6400. (2) Concerning development of the standard: Stanley Morrow, Office of Program Management (301) 492–6453. Consumer Product Safety Commission, Washington, D.C. 20207.

SUPPLEMENTARY INFORMATION:

A. The Problem and the Solution

Oxygen needed for combustion of an unvented gas-fired space heater comes from the space being heated. Since the heater is not vented to the outside, the products of combustion are discharged directly into the same space that is being heated. As with any hydrocarbon fuel, the products of combustion are carbon dioxide (CO_2), water vapor (H_2O), and a small amount of carbon monoxide (CO). If the room oxygen is depleted because of inadequate ventilation, a dangerous buildup of CO, a poisonous gas, may occur. Dangerous levels of CO cause depletion of blood oxygen in human beings; CO combines with hemoglobin much more readily than does oxygen, thereby reducing the amount of hemoglobin available to carry oxygen to body tissues. The reduction of oxygen in body tissues can result in injury to the tissues and death.

Injury data available to the Commission on CO poisoning associated with unvented gas-fired space heaters are predominantly death data from the Commission's death certificate collection program. For the period from January 1973 to May 1978, Commission death certificate files show 136 deaths from CO poisoning that are positively associated with unvented gas-fired space heaters. This estimate is probably conservative. Since the effects of CO poisoning impact strongly on the cardiovascular and neurological systems, the cause of CO deaths may easily be misdiagnosed, and attributed to other physiological causes.

From data available in CPSC files, the Commission estimates that about 70 deaths a year result from CO poisoning associated with unvented gas-fired space heaters. A review of the death data in the Commission's Hazard Analysis report of July 1978 shows that persons affected were of all ages from infancy to old age. For example, a 12-month old California infant died of CO inhalation from an unvented gas-fired space heater. A 37-year old South Carolina man died of CO poisoning from an unvented gas-fired space heater while asleep in a shed. An 80-year old Arkansas woman who succumbed from CO poisoning had an unvented gas-fired space heater in the bedroom. Since CO is a colorless, odorless gas, it is easy to understand why most of the deaths described in the Hazard Analysis occurred while the victims were asleep and thus completely unaware they were being poisoned.

The purpose of this document is to issue 16 CFR Part 1212, a consumer product safety standard requiring that unvented gas-fired space heaters be equipped with a device to detect the buildup of an atmosphere in which CO may present a hazard to human life, and shut off the heater's gas supply before fatal injury could occur. Under the standard the device, known as an oxygen depletion safety shutoff system (ODS), need not be of any specific design or configuration, but must be capable of performing in accordance with all the requirements set forth in the standard.

This standard is based on appropriate parts of the American National Standards Institute (ANSI Z21.11.2–1978) voluntary industry standard entitled, *Gas-Fired Room Heaters, Vol. 11—Unvented Room Heaters—1978.* At this time, the ODS parts of the ANSI standard are only advisory for manufacturers of unvented gas-fired space heaters. Although an ODS has been used for such heaters in Europe, an ODS has not been available for U.S. heaters. Notice to the public that an ODS will be required by a CPSC standard has resulted in intensive technical development for applying ODS to U.S. heaters. As a consequence, ODS-equipped U.S. heaters are expected to be available shortly.

The standard below is expected to reduce the risk of CO poisoning associated with unvented gas-fired space heaters by requiring that ODS-equipped heaters, tested as required by the standard, be capable of shutting off the supply of gas to the heater when oxygen in the surrounding atmosphere is reduced to less than 18%. As described in detail under part D of this preamble, Technical Considerations, gas shutoff at no less than 18% oxygen is adequate to address the hazard of CO poisoning associated with this product. The standard also requires a cautionary label that describes the ODS and warns that ventilation must be provided in order to prevent CO poisoning.

The requirements of this standard will result in some increase in the retail price of this product. However, as will be explained further, the safety benefits of this standard are expected to outweigh the small increase. Also, at this time, there does not appear to be any other measure that can provide a comparable degree of safety.

The sections of the preamble below cover the following matters: the background of the standard development proceeding; a description of this standard and its effective date; a technical discussion of the ODS; Commission responses to comments from the public on the proposed standard, along with explanations of changes made in the final standard; and, other issues related to the issuance of the final standard. Also included in the preamble is a bibliography of documents considered in issuing this standard; numbers in parentheses in the text of the preamble indicate the document in the bibliography that applies to the statement. Documents relevant to this standard may be reviewed by contacting the Office of the Secretary of the Commission, 3rd floor, 1111 18th Street NW., Washington, D.C. 20207 (202) 634–7700.

B. Background

For several years the Commission has been examining and evaluating the hazards associated with vented and unvented gas-fired space heaters. On January 10, 1974, the Missouri Public Interest Research Group (PIRG) petitioned the Commission to develop mandatory safety standards and labeling requirements for space heaters (CP 74–10)(7). The Commission examined the possible hazards associated with several different kinds of space heaters, including space heaters fueled by wood, kerosene, gas, and those powered by electricity. After reviewing the information then available to it, the Commission preliminarily concluded that only gas-fired space heaters presented unreasonable risks of injury to the public from such hazards as carbon monoxide poisoning and/or asphyxiation, contact burns, and fabric ignition. Therefore, the Commission partially denied petition CP 74–10, for space heaters fueled by energy sources other than gas (40 FR 4112, September 5, 1975)(5).

At the same time, the Commission directed the staff to develop technical information on gas-fired space heaters for possible development of a proposed mandatory standard for these products. Concurrently, the Commission staff monitored the development of voluntary standards for vented and unvented gas-fired space heaters and wall furnaces by the American National Standards Institute (ANSI Z21.11.1, Z21.11.2, Z21.44, and Z21.49). At a public briefing of the Commission on May 19, 1977, the staff advised the Commission that since 1975 the voluntary standards for vented gas space heaters had been significantly improved; provisions for the safe ignition of vented heaters, reducing surface temperatures, preventing fabric ignition, and minimizing asphyxiation hazards had been, and were continuing to be, substantially upgraded. Additionally, the Commission noted that conformance by manufacturers to the industry's voluntary standards and industry certification programs [1] for vented gas space heaters is high. Industry certification of gas appliances to be installed in residence is widely prescribed by various state and local building codes and safety regulations. The Commission subsequently concluded that a mandatory safety regulation did not appear to be necessary at that time to address any risks of injury that might be associated with vented gas-fired space heaters. A Notice of Decision to this effect was published September 14, 1977 (42 FR 46072)(4).

The Commission staff continued to monitor these voluntary efforts in order to advise the Commission on further safety developments in the voluntary standards.

However, the Commission determined that the risk of injury from carbon monoxide poisoning associated with unvented gas-fired space heaters was not adequately addressed by the voluntary standards for unvented gas-fired space heaters. Carbon monoxide produced by a vented gas-fired space heater will ordinarily pose a minimal threat from carbon monoxide poisoning because the combustion gases are vented out of the living space through flue openings. Unvented gas-fired space heaters, on the other hand, discharge the products of this combustion directly into the space being heated.

Consequently, on Febuary 14, 1978 (43 FR 6253)(6), the Commission proposed a ban of unvented gas-fired space heaters because the Commission determined that the hazard of CO poisoning associated with this product, as further described below, presented an unreasonable risk of injury to the public, and the information then available to the Commission indicated that no feasible standard under the CPSA could adequately protect the public from this unreasonable risk.

Approximately 300 comments on the proposed ban were received from trade associations, distributors of liquid petroleum gas, manufacturers, retailers, individual consumers, consumer interest groups and government officials. The majority of these commenters were opposed to the proposed ban on the grounds that it would remove from the market a relatively inexpensive source of heat, whose primary users are the elderly, and low- and fixed-income families in the southern United States (22, 23).

During the comment period allowed for the proposed ban, the Commission was advised that mandatory standards adopted by several foreign countries require that unvented gas-fired space heaters incorporate a sensing and control device designed to detect the depletion of oxygen in the living space and shut off the flow of gas to the heater before carbon monoxide emissions can build up to a hazardous concentration (8). The device, an oxygen depletion safety shutoff system (ODS) (also known as an oxygen depletion sensor), does not directly measure carbon monoxide in the living space, but senses when the atmospheric oxygen available for combustion is reduced, thereby permitting CO build-up; the ODS then shuts off the supply of gas to the heater. Such a device had not, to the Commission's knowledge, ever been adopted for use on unvented gas-fired space heaters by American manufacturers. However, performance requirements addressing the optional use of an ODS on American manufactured unvented gas-fired space heaters were included as a part of the ANSI Z21.11.2 standard in effect at that time for unvented gas-fired-space heaters (1).

The Commission requested the National Bureau of Standards (NBS) to evaluate an ODS to determine if the use of an ODS in an unvented gas-fired space heater affords an adequate level of safety from CO poisoning.

The results of the National Bureau of Standards evaluation of the ODS show that, under laboratory conditions, the device repeatedly operated satisfactorily to shut down an unvented gas-fired space heater when the room oxygen content was depeleted to between 20.4% and 18.2%. Carbon monoxide concentrations at these levels of oxygen depletion were in a range from 90 to 7 parts per million (ppm), with an average concentration of 37 ppm. During the NBS evaluations, deliberate changes to the heater air shutter to simulate burner maladjustment, and blockage of the ODS air ports to simulate sensor maladjustment and adverse conditions, did not significantly affect the operation of the ODS. Additionally, the ODS operated satisfactorily when used with a variety of representative fuel gases in use in the United States, including propane, butane, and natural gases (11, 12).

During this period, the Commission received information concerning an additional control device, known as a temperature limiting device (TLD), which was purported to prevent a hazardous buildup of carbon monoxide in the living space by shutting off the gas supply to the heater when a room temperature of 100° F was reached. The operation of this device is based on the premise that as combustion air availability decreases, the potential for higher levels of CO emissions increases due to inadequate air infiltration into the room in which the heater is operating, the room temperature will increase. A TLD requirement for unvented gas-fired space heaters was incorporated into the industry voluntary standard, ANSI Z21.11.2, on July 26, 1978. However, since very little test data on this device were available, the Commission concluded that additional information was needed to determine the degree of safety a TLD affords when applied to unvented gas-fired space heaters. Therefore, the Commission requested the NBS to evaluate the performance and reliability of the TLD.

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[1] The American Gas Association (AGA), a trade association of the gas distribution industry in the U.S., operates a nationally recognized testing and certification program for gas equipment. The AGA laboratories in Cleveland, Ohio, evaluate gas appliances submitted by appliance manufacturers for testing under applicable ANSI voluntary standards. AGA certifies appliances of designs that conform to these standards. Production plants are regularly inspected by AGA to determine manufacturers' continuing conformance to the ANSI requirements. State and local building codes generally regard AGA certification as a prerequisite to permitting installation of gas appliances.

The NBS investigation of the TLD indicates that this device appears to be inadequate to address the carbon monoxide poisoning hazard under a variety of limited room ventilation and heat loss conditions. The results of the analyses show that high concentrations of carbon monoxide can exist at various levels of oxygen depletion in ventilated rooms and at temperatures below the shut-off point of the TLD.

Complete copies of both NBS reports entitled: (a) Testing for an Oxygen Depletion Detecting Device for Unvented Gas Fueled Heaters, June 1978, (11); (b) Unvented Heater Tests and Analysis of Standards for a Temperature Sensitive Limit Device, November 1978, (12), are available through the Office of the Secretary.

Upon review of these tests results, particularly the results of the ODS study, the Commission concluded that it could promulgate a consumer product safety standard addressed to the unreasonable risk of carbon monoxide poisoning associated with unvented gas-fired space heaters and that it was not necessary to ban this product. Such a safety standard would require an ODS device which has the capability of indirectly detecting a hazardous atmosphere resulting from carbon monoxide emissions and shutting off the gas supply to the heater.

The Commission also noted that the oxygen depletion sensor described in the ANSI Z21.11.2–1978 voluntary industry standard entitled *Gas-Fired Room Heaters, Vol. II—Unvented Room Heaters* (1), appears to be adequate for the task of reducing or eliminating this risk, and that such a voluntary standard could be proposed as a mandatory standard. Authority for such a proposal is provided by section 7(c)(2), (15 U.S.C. 2056(c)(2)), of the CPSA as amended by section 5 of the Consumer Product Safety Act Authorization Act of 1978 (Pub. L. 95–631). Prior to this statutory amendment, the Commission could publish an existing standard as a proposed standard only after publishing a notice under section 7(b) of the CPSA soliciting persons to either submit an existing standard for Commission consideration or offer to develop a standard for possible proposal. Congress decided with this amendment that the Commission should no longer be required to solicit submission of existing standards when it already knew of an existing standard that could adequately address an unreasonable risk. The amendment also clarified Commission authority to adopt selected provisions of an existing standard or standards. This amendment, which can be expected to save Commission time and resources, was used by the Commission for the first time when this standard was proposed.

The Commission directed its staff to prepare for Commission review and publication a draft proposed standard for public comment to incorporate the appropriate sections of the ANSI standard dealing with oxygen depletion safety shutoff systems for unvented gas-fired space heaters. The Commission concluded that a mandatory standard is reasonably necessary at this time for this purpose because the voluntary standard system has not required that unvented gas-fired space heaters be equipped with ODS, although industry spokesmen advise that such a requirement would be put into effect when suitable ODS devices are produced.

Since the Commission concluded, on the basis that a standard was feasible, that it was not necessary to ban unvented gas-fired space heaters, on November 29, 1978, in accordance with section 9(a)(1)(b) (15 U.S.C. 2058(a)(1)(b)) of the CPSA, the Commission proposed to withdraw its proposal to ban these products and announced its intention to publish a proposed safety standard (43 FR 55772). During the comment period, the Commission received five comments, none of which opposed withdrawal of the ban. The Commission, on March 28, 1979 (44 FR 18516) published a final withdrawal of its proposal of February 14, 1978, to declare that unvented gas-fired space heaters are banned hazardous products.

A proposed standard that would require unvented gas-fired space heaters to be equipped with ODS was published on January 18, 1980 (45 FR 3762). The proposal provided that by August 18, 1980, the Commission would publish a final rule or withdraw the proposed standard. To permit sufficient time to consider all the comments and information about the proposal, in accordance with section 9(a)(1), the Commission published a notice extending the time for consideration of the proposed standard until September 17, 1980 (45 FR 50817, July 31, 1980) (32B).

C. Description of the Standard

Purpose and coverage

The Consumer Product Safety Commission has determined that unvented gas-fired space heaters present an unreasonable risk of injury to the public of carbon monoxide poisoning, because carbon monoxide (CO), a toxic product of combustion, can be emitted directly into the atmosphere of the area being heated. The Commission has also determined that a device known as an oxygen depletion safety shutoff system (ODS) can shut off the heater's gas supply before the CO can build up to an atmosphere hazardous to human life. Therefore, the Commission finds that a standard requiring unvented gas-fired space heaters to be equipped with an ODS adequate to help eliminate or reduce the unreasonable risk, is reasonably necessary and is in the public interest.

As discussed below, the Commission in this document is issuing a final standard substantially the same as the proposal. (Specific changes are noted in this preamble.) Part 1212 provides that on the effective date of the standard, and ODS that meets the requirements of the standard shall be contained in all unvented gas-fired space heaters, not specifically excluded from the standard, that are customarily produced for sale to or for the personal use or enjoyment of consumers in or around a household or residence, a school, in recreation or otherwise. Part 1212 now contains two Subparts—Subpart A describes the safety standard; Subpart B contains the rules for manufacturers and importers to follow concerning certification of compliance with the standard and the maintenance of records showing the basis, in testing, of such certification. The standard also provides for permanently affixed cautionary labels. Also provided is a test procedure which the Commission will use to determine compliance with the standard. In addition, the Commission is proposing a stockpiling rule (see discussion under Part E of this preamble, EFFECTIVE DATE). When the stockpiling rule is published in final form, it will be codified as Subpart C of this Part 1212.

Unvented gas-fired space heaters—inclusions and exclusions

For the purposes of this standard, an unvented gas-fired space heater is an unvented, self-contained, free-standing or recessed, gas-burning appliance which furnishes warm air to the surrounding living space by gravity convection, fan circulation, or radiation directly from the heater and without duct connections. The heater discharges carbon dixoide and water vapor, and any carbon monoxide in the combustion products, directly into the heated space. Although kitchen ranges and ovens may fit this product description, they are not included within this definition because their function is not to provide room heat, but to serve as a source of localized heat for food preparation for fairly short periods of time.

Within the scope of this definition, unvented gas-fired space heaters include unvented circulators, radiant heaters, and wall heaters with unvented closed fronts. These products are defined as follows:

(1) "Unvented circulator" is a room heater designed to convert the energy in the fuel to convected and radiant heat, by direct mixing of air to be heated with the combustion products and excess air inside the jacket. Unvented circulators have an external jacket surrounding the burner and may be equipped with radiants with the jacket open in front of the radiants.

(2) "Radiant heater" is an open front unvented room heater designed primarily to convert the energy in the fuel to radiant heat by means of refractory radiants or similar radiating materials. A radiant heater has no external jacket.

(3) "Wall heater, unvented closed front" is an unvented circulator having a closed front for insertion in or attachment to a wall or partition.

The following unvented heaters are excluded from the proposed rule for the reasons set forth below: gas logs; coal baskets; fireplace inserts (categorized as decorative gas appliances for purposes of this rule); portable catalytic camp heaters; portable camp heaters other than catalytic; and infrared heaters.

(1) "Decorative gas appliances" are excluded except as noted in item (d) below. These are gas logs, coal baskets, and fireplace inserts; they are exluded from the rule for the following reasons:

(a) An investigation of available data bases for product-related injuries/deaths revealed no data specific to these products. Although the magnitude of the injury/death problem associated with these decorative gas appliances cannot be accurately determined, it appears to the Commission that consumer use of these appliances is primarily limited to decorative use in vented fireplaces where the risk of CO poisoning is minimal.

(b) The American National Standards Institute (ANSI), a voluntary standards organization, has published a certification standard and labeling requirement for decorative gas appliances for installation in vented fireplaces (ANSI—Z21.60). The large majority of such decorative gas appliances are labeled for use in vented fireplaces.

(c) There has been a steadily declining market for these products over the past several years—approximately 42,000 units were produced in 1974 compared to approximately 20,000 units in 1976.

(d) The exclusion for decorative appliances is solely for the decorative appliance itself. When a decorative appliance is used as a component and combined with an unvented enclosure such as a simulated fireplace, and cannot be used in a vented fireplace, it falls within the general definition of unvented gas-fired space heater because it discharges combustion products such as carbon monoxide, carbon dioxide and water vapor directly into the heated space.

(2) Catalytic camp heaters and non-catalytic camp heaters are excluded.

(a) Catalytic camp heaters are open faced, unvented heating appliances which utilize a catalyst in the combustion process. The Commission denied a petition, (CP 75-16, 42 FR 32565, June 27, 1977), to develop a safety standard addressing the hazards of CO poisoning, anoxia and hot surfaces associated with catalytic heaters because, among other considerations, the voluntary standard developed by the ANSI Z21 Subcommittee on Standards for Portable Gas-Fired Camping Equipment (Camping Equipment), and adopted by ANSI, appears to reasonably address the possible hazards which may be associated with catalytic heaters. Therefore, the Commission sees no need to include these in the rule.

(b) Non-catalytic camp heaters are unvented portable heating devices of other than the catalytic type for use with liquefied petroleum gases. Because the safety problems inherent to these heaters are essentially the same as the safety problems encountered with catalytic heaters, the ANSI Z21 Camping Equipment Subcommittee has developed and ANSI has adopted a voluntary standard for non-catalytic camp heaters which closely parallels the catalytic heater standard. Therefore, the Commission exlcudes non-catalytic camp heaters from this rule.

(3) Infrared heaters are excluded because they are generally used for heating outdoor spaces or non-residential, non-recreational indoor spaces. In these situations the CO poisoning hazard of unvented gas-fired space heaters is not as likely to occur.

Requirements

The standard requires that manufacturers, including importers (referred to collectively as manufacturers) of unvented gas-fired space heaters shall be responsible for equipping their products with an oxygen depletion safety shutoff system (ODS). The ODS must shut off the gas supply to the heater when oxygen in the surrounding atmosphere is depleted to less than 18%. In order to avoid the possibility that the ODS would be rendered insensitive to hazardous oxygen depletion levels, the standard provides that the ODS shall be constructed or placed in such a manner that it cannot be adjusted by home users. The standard also requires that a cautionary label be permanently affixed to the heater.

Test procedure, certification and recordkeeping

For enforcement purposes, all unvented gas-fired space heaters subject to the standard must be able to pass the test described in § 1212.6. That section requires an unvented gas-fired space heater equipped with an ODS to be placed in a chamber which is closed against outside air. The heater is operated at maximum BTU input and measurements are made as the oxygen is depleted. The Commission will use the test to determine whether the ODS on products subject to the standard, when tested according to the standard, shuts off the gas supply to the heater when oxygen in the surrounding atmosphere is depleted to less than 18%. While manufacturers are not required to perform this test, they must certify that their products comply with the standard. Such certification of compliance must be based either on a test of each heater or on a reasonable testing program. Manufacturers are responsible for maintaining records of testing performed for certification purposes, whether the tests are performed by the manufacturer or an independent, qualified laboratory in accordance with the provisions of Subpart B of the standard.

Effective date

The standard provides that all unvented gas-fired space heaters manufactured or imported into the U.S. after midnight June 14, 1981 shall be equipped with ODS devices capable of shutting off the gas supply to the heater when oxygen in the surrounding atmosphere is depleted to less than 18%. (As discussed in Part E, effective date, below, this date is different from the proposed effective date of December 31, 1980.)

Origin of the standard

The ODS and labeling requirements of the standard are based on appropriate sections of an existing voluntary standard of the *American National Standards Institute* (ANSI) entitled, *Gas-Fired Room Heaters, Vol. II—Unvented Room Heaters,* Z21.11.2-1978, (ANSI standard) (1).

The ODS part of the ANSI standard was included as an optional provision of the ANSI standard in 1974 for manufacturers of unvented gas-fired space heaters. In 1979, ANSI revised its standard to make this optional provision a requirement, (2L). The American Gas Association (AGA) the industry organization which certifies conformance of gas heater designs to the ANSI standard, intends to require unvented gas-fired space heaters to be equipped with the ODS device in order to obtain certification when the ODS becomes available. ODS has not yet been used by U.S. manufacturers of unvented gas-fired space heaters. Although, the ODS section of the ANSI standard is not yet required, it was proposed and adopted in accordance with ANSI's usual procedures. All manufacturers of U.S. unvented gas-fired space heaters known to the Commission conform to the ANSI voluntary standard.

The section of the CPSA under which the Commission adopts these parts of the ANSI standard, is section 7(c)(2), (15 U.S.C. 2056(c)). Where the Commission determines there is a standard issued by a qualified agency, organization or institution which would eliminate or reduce an unreasonable risk of injury if issued in whole or in part, or in combination with any other standard, section 7(c)(2) provides that the Commission may publish such a standard in whole, or in part or in combination, and with nonmaterial modifications, as a CPSC standard. A material modification is one which would substantially alter the purpose of the existing standard or the way in which the purpose of the standard is achieved.

A three-column chart, Table 3, is provided below for ease in comparing the ODS and labeling requirements of the ANSI and CPSC standards, and for explaining any differences. A review of Table 3 shows that the changes are minor.

The purpose of the provisions of the ANSI standard dealing with ODS is to shut off the supply of gas to unvented gas-fired space heaters in order to prevent high CO concentrations; the purpose is addressed by the ANSI requirement that the supply of gas to the heater be shut off when oxygen in the surrounding atmosphere is depleted to not less than 18%. As developed in the technical discussion and statutory findings part of this preamble (Parts D and F), the Commission concurs with these provisions of the ANSI standard.

Similarly, the labeling provisions of the ANSI standard containing warnings about providing adequate ventilation are for the purpose of preventing any potential CO buildup. The warnings and information about the performance of the ODS are more fully described in the CPSC labeling requirements than they are in the ANSI provisions; the cautionary and informational purposes of the ANSI labeling provisions are emphasized rather than changed to any significant degree.

The Commission concluded, accordingly, that any changes made in the ANSI ODS and labeling requirements do not substantially alter the purpose of the existing ANSI standard or the way the purpose is achieved. Therefore, these changes are nonmaterial modifications of an existing standard in accordance with the provisions of section 7(c)(2) of the CPSA.

D. Technical Considerations

In issuing this standard addressed to the unreasonable risk of injury from CO poisoning associated with unvented gas-fired space heaters, the Commission considered the process by which CO evolution takes place, and measures needed to avoid CO build up. This section of the preamble discusses the CO phenomenon (11), and how the ODS reacts to it. The label requirement and its contribution to reducing the risk is also discussed.

A review of the ODS requirement

Many materials react with oxygen, a process called oxidation. When oxygen reacts with a substance to produce large amounts of heat rapidly the process is called combustion or burning. Three things are needed for combustion to take place—fuel, oxygen (O_2) and heat. For burning the fuel (gas), all three elements must be present. Gas alone will not burn. Air, which at sea level normally consists of 20.9% oxygen, supplies the oxygen needed. An open flame (pilot) or electrical means may be used to ignite the gas in gas appliances. Then the gas flame itself provides the heat needed to sustain combustion. Combustion of gas is a chemical reaction between fuel gas and oxygen. The basic elements of fuel gases are hydrogen and carbon. When hydrogen burns, water vapor is produced. Complete burning of carbon in fuel gases forms carbon dioxide (CO_2). The water vapor and carbon dioxide are called the products of combustion and are the only by-products that result if a fuel gas is completely burned. To obtain complete combustion enough air must be supplied to the processs. This air must have a reasonably normal oxygen content (fresh air). If not enough fresh air is supplied, there is not enough oxygen to combine with the carbon to form carbon dioxide; instead carbon monoxide is formed. Carbon monoxide is a colorless, ordorless and highly poisoning gas (11).

There are many products that operate by the combustion of fuel gas, including furnaces, boilers, ranges, water heaters and space heaters. Most gas burning appliances are vented which means that the products of combustion are removed from the inside of the building by means of vent pipes. This presents a minimal hazard of carbon monoxide poisoning since any CO produced by incomplete burning of gas is discharged outside. However, appliances which are unvented discharge the products of combustion directly into the space being heated. Gas-fired space heaters may be manufactured as either vented or unvented heaters.

Why unvented heaters produce CO

Unvented gas-fired space heaters can produce CO for several different reasons. If the fresh air supply is not adequate to allow complete combustion, CO will be produced. This is caused by poor ventilation—too few openings in the building to allow air to enter. Other reasons for CO production are related to design of the burner and adjustment of the parts that control the combustion process (2D-3).

When an unvented heater is operated in a room that is sealed tightly against air coming in or leaving, the oxygen concentration decreases with time and the CO concentration increases as the combustion process is starved for oxygen. The oxygen concentration decreases steadily from the normal 20.9 percent to between 15 and 16 percent. At about 15% oxygen, the combustion process for most gas appliances stops due to lack of oxygen. The CO concentration increases, gradually at first, until the oxygen concentration is reduced to below 18% and then proceeds to rise more rapidly. The time it takes for this to occur depends on the room size and the fuel burning rate of the heater. A graphic example of this process as it occurs in a closed room is shown in figure 1. As oxygen is depleted in the combustion process, carbon dioxide is produced and increases steadily. However, CO is produced at an increasing rate as the combustion process is starved (2D-3). (To find the CO produced at any given oxygen level, find that oxygen level on the O_2 scale on figure 1; trace right to the oxygen line, then from that point, up or down to CO line. Read this point on the CO scale.)

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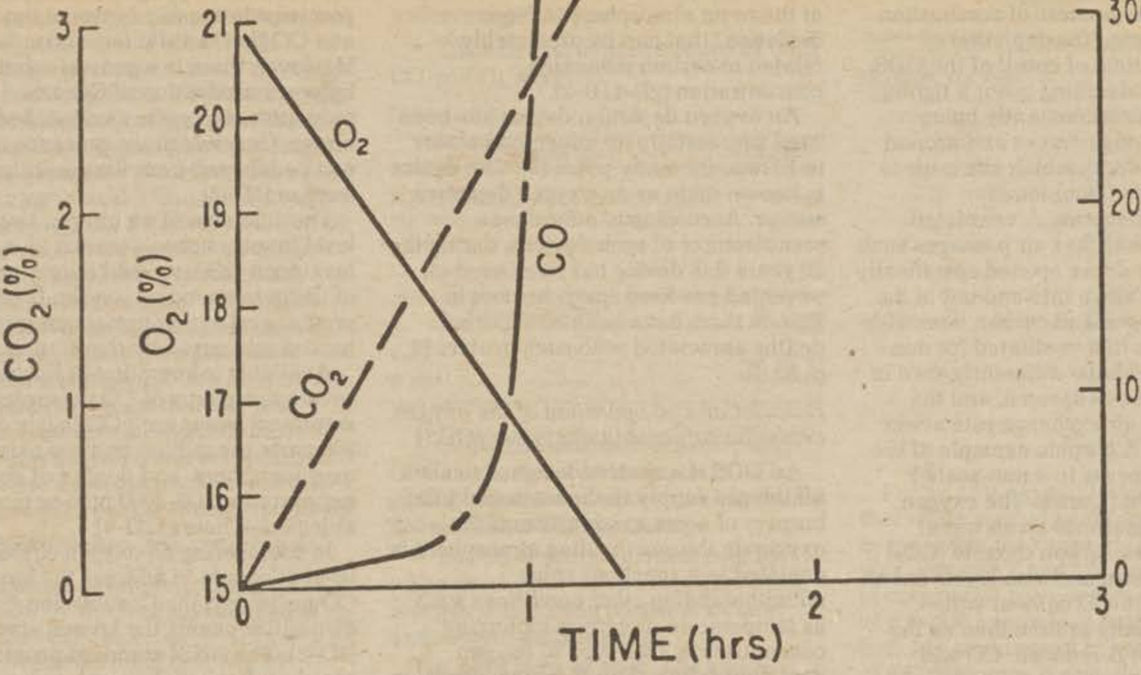

FIG 1—TYPICAL *CLOSED ROOM* CONDITIONS for UNVENTED HEATER OPERATION

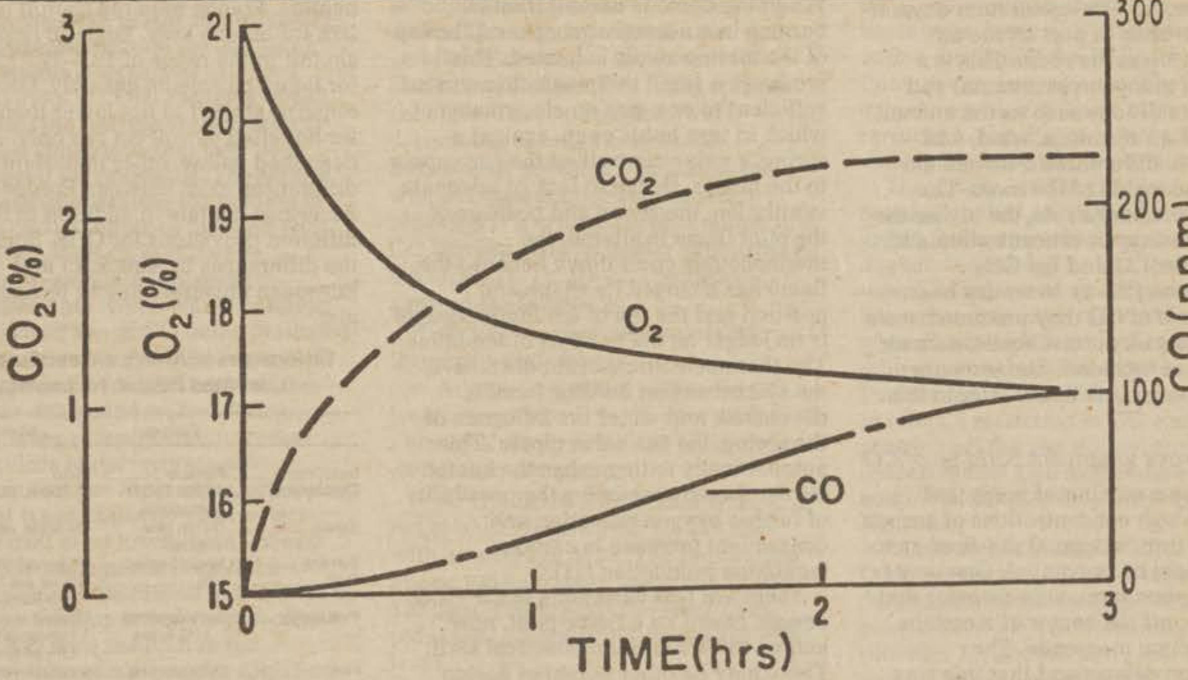

FIG 2—TYPICAL *VENTILATED ROOM* CONDITIONS for UNVENTED HEATER OPERATION

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The closed (or sealed) room is useful for studying the process of combustion and for measuring the depletion of oxygen at the time of cutoff of the ODS, but a house or dwelling is not a tightly sealed unit. Air is constantly being exchanged through cracks and around windows and doors which allow air to enter (infiltration) and leave (exfiltration) the room. A ventilated room is one which has air passages such as windows or doors opened specifically to allow air to move into and out of the room. The oxygen and carbon monoxide concentrations in a ventilated (or non-sealed) room behave differently than in the closed (or sealed) room, and the room size and air exchange rate affect this behavior. A graphic example of the combustion process in a non-sealed room is given in figure 2. The oxygen content decreases and levels out at some value. The carbon dioxide (CO_2) content increases, and also levels out at some value. The CO content will increase gradually at first; then as the oxygen content is reduced, CO will increase more rapidly and finally will level out at a certain concentration as did the oxygen and CO_2. This condition is known as equilibrium, which means that the conditions of the room will remain the same as long as the heater fuel burning rate, and other conditions are unchanged. The equilibrium oxygen content depends in part on the air exchange rate in the room. This is a function of many environmental and physical conditions such as the amount and size of air openings, wind, and temperature differences between the outside and inside of the room. The higher the exchange rate, the higher the equilibrium oxygen concentration and the lower the CO and the CO_2 concentration (2D–3). In testing heaters for the levels of CO they produced, tests at conditions of various equilibrium air change were included. The tests are described in greater detail later in this section.

Possible ways to prevent build-up of CO

There are a number of ways that buildup of high concentrations of carbon monoxide from unvented gas-fired space heaters could be prevented. One way is to use a carbon monoxide detector that would shut off the heater at a certain level of carbon monoxide. The Commission determined that this was not feasible because there is no device, at present, that is both technically and economically practicable for performing this function (6). A second way is to ban the manufacture of unvented gas-fired space heaters. The Commission proposed this action, but withdrew the proposal after learning that it is possible to measure an environmental condition of the room atmosphere (oxygen depletion) that can be predictably related to carbon monoxide concentration (2B–1, B–2).

An oxygen depletion device has been used successfully on unvented heaters in Europe for many years (8). The device is known there as an oxygen depletion sensor. According to a European manufacturer of such devices, during the 20 years this device has been used on unvented gas-fired space heaters in Europe there have been no reported deaths associated with such heaters (8, p. 32 ff).

Description and operation of the oxygen depletion safety shutoff system (ODS)

An ODS is a system designed to shut off the gas supply to the main and pilot burners of a gas space heater if the oxygen in the surrounding atmosphere is depleted to a specified value notwithstanding other conditions such as temperature or carbon monoxide concentration. One type of oxygen depletion safety shutoff system operates on the basis of a flame pilot. The pilot burner is designed to maximize the effect on the flame of operating in an atmosphere in which the oxygen content has been decreased. A device called a thermocouple is positioned in the flame. When the flame is normal (that is, burning in a normal atmosphere) the top of the thermocouple is heated. This produces a small thermoelectric current sufficient to energize an electromagnet which in turn holds open, against a spring, a valve controlling the gas supply to the heater. If, due to lack of adequate ventilation, the shape and position of the pilot flame is altered, the thermocouple cools down because the flame has changed its shape and position and the top of the thermocouple is no longer on the hot part of the flame. The thermoelectric current decreases, the electromagnet holding force is decreased; and under the influence of the spring, the gas valve closes. This automatically extinguishes the heater burner thereby removing the possibility of further oxygen reduction and consequent increase in carbon monoxide production (11).

There are two variations to the ODS design, based on a flame pilot, now known to Commission technical staff. There may be other potential design variations but the basic principle of operation would likely be the same. It is possible that other basic principles of operation meeting the definition of ODS in the standard could be developed, but no other feasible theories or devices are known to CPSC at this time. The ODS devices now considered feasible cannot measure CO directly, and there is no precise relationship between oxygen and CO that is valid for all conditions. However, there is a general relationship between production of CO and reduction of oxygen, as described above, from which the presence of CO can be inferred from the measurement of oxygen (2D–2).

The selection of an oxygen shutdown level involves consideration of a maximum CO level and a determination of the corresponding oxygen level that provides adequate protection from the hazard addressed by this standard.

Available information indicates that severe symptoms of CO poisoning would not occur until CO levels of 200–300 parts per million or more exist for over four hours, and death not until exposure to 1000–2000 ppm or more for at least 2–4 hours (2D–4).

In considering an oxygen shutdown level adequate to address the hazard of CO poisoning, the Commission noted disparities among the known standards (2D–2). The ANSI standard provides for gas shutoff when the oxygen concentration in the room atmosphere is less than 18%. No test data are available from ANSI.

European countries (26), provide for other gas shutoff levels for ODS-equipped unvented gas-fired space heaters. France requires shutoff at 19.4–20% for butane only. England requires shutoff in the range of 18.7–19.7 shutoff for liquid petroleum gas only. Germany requires shutoff at not lower than 19.4% for liquefied petroleum gas only. As described below, other important differences exist between European and American heaters in addition to the different provisions for ODS. Some of the differences in American and European unvented heater technology are:

Differences in American and European Unvented Heater Technology

	European	American
Installation	Portable	Fixed
Rated input	16,000 Btu/hr maximum.	15,000–4,000 Btu/hr.
Valves	Off/on type valve.	Throttling valve.
Burners	Vertical face	Horizontal face.
Fuel	LPG	Natural gas LPG, and manufactured gas.
Fuel supply	Self contained LPG bottle.	External supply: Natural gas main. LP gas tank.
Fuel composition.	Constant and controlled.	Variable—Natural gas can be Algerian natural gas, peak shaving gas, domestic gas or combinations.
Ignition	Manual	Automatic.
Pilot	Intermittent	Continuous.

The higher than 18% shutdown levels provided for in European heaters present difficulties of application to American heaters. Among the important differences that could affect such application are size and geometry of the heater, fuel composition and fuel supply pressure. U.S. heaters are generally larger and have higher gas input rates. This could require relocation of the pilot which in turn could affect ignition of the heater. In the U.S., a variety of different gases are available and the burning characteristics of these gases could affect the shutdown point of the ODS. Fuel for European heaters is generally located in a container on the heater itself, whereas fuels for U.S. heaters are outside the residence; thus the gas pressure regulator for the European heater serves a much smaller range. The differences in gas pressures could also have an effect on ODS shutdown (2D–2).

ODS shutoff at less than 18% oxygen

Information developed during testing of the ODS by the National Bureau of Standards was helpful in determining an oxygen depletion level that would reasonably address the hazard of CO poisoning associated with unvented gas-fired space heaters. The tests of ODS at NBS consisted of: (a) testing of foreign ODS devices on foreign heaters in closed room or non-ventilated conditions to study the levels of oxygen at which the ODS would shutoff under various conditions; and (b) testing of American-made unvented gas-fired space heaters to study the level of CO emitted by the heaters under partially ventilated conditions that may be experienced in residences. The testing also included operating the heaters at full and partial inputs of fuel and with primary air shutters in different positions to simulate foreseeable maladjustments which would result in greater quantities of CO being produced during combustion (11, 12).

The first series of NBS tests on the ODS was conducted on two foreign heaters using seven different foreign ODS devices under various gas pressures and gas input rates, and using different types of gases. The heaters were placed in a closed room with no ventilation and operated until the oxygen content decreased to the level at which the ODS operated to shut off the heater. The tests resulted in the following data relative to the selection of an oxygen depletion shut off level:

- The ODS devices operated to shut off the heaters at room oxygen concentration of 18.2–20.4%.
- The carbon monoxide concentrations in the closed room at ODS shutoff were in the range of 7–90 and averaged 37 ppm.
- The extreme concentrations of both CO and O_2 were:

Extreme O_2	CO (ppm)
18.2 percent	51 ppm
20.4 percent	7 ppm

Extreme CO (ppm)	O_2
7 ppm	20.4 percent
90 ppm	19.0 percent

- Deliberate changes to heater and ODS characteristics to simulate maladjustment and abnormal conditions did not affect ODS operation.
- The ODS operated satisfactorily when used with various representative fuel gases including propane, butane and several natural gases.

The NBS tests to study CO levels emitted under partial ventilation conditions were performed on a total of four American-made unvented gas-fired space heaters, representing each of the three primary American manufacturers, under various gas input rates, air shutter settings, and flame disturbance from drafts. The oxygen content was stabilized at various levels and CO content was allowed to build up until constant. These conditions were designated in order to simulate foreseeable conditions in homes in which the amount of ventilation provided is a critical level resulting in a CO buildup prior to heater shutdown by the ODS (11, 12, 2D–2). The results showed the following:

- At 19% O_2, two data points were CO levels of 5 and 36 ppm.
- At 18% O_2, 13 data points for CO levels ranged from 7–120 ppm with an average at 43 ppm. All CO levels were well below 200 ppm.
- At 17% O_2, 20 data points were in a range of CO levels from 10–245 ppm with an average of 71. The four values above 100 ppm were 245, 190, 155 and 140 ppm. The highest CO level of 245 ppm is significantly above the 200 ppm level.
- At 16% O_2, 17 data points were in a range of CO levels from 41–395 ppm with an average of 182 ppm. Five values were well above 200 ppm.
- CO levels for these tests at 16, 17, 18, and 19% O_2, concentration were as follows:

[In percentage]

Equilibrium D_2 in percent	16	17	18	19
Equilibrium CO levels in ppm	41	10	7	5
	60	12	8	36
	75	12	15	
	80	15	15	
	85	20	15	
	135	20	20	
	150	20	20	
	160	25	30	
	170	25	60	
	170	45	72	
	170	65	78	
	175	75	105	
	225	80	120	
	280	85		
	355	87		
	375	100		
	395	140		
		155		
		190		
		245		

For an 18% oxygen level, tests show that under partial ventilation conditions in the room, the range of CO in the room was between 7 and 120 ppm, with an average of 43 ppm, well below the level of 200–300 ppm which health data indicate could result in severe symptoms of CO poisoning if experienced for over 4 hours (2D–3, D–4, D–5). In addition, the highest level of CO reached at 18% in the NBS tests was only 100 ppm, a level generated by maladjusting the primary air shutter to the full open position (2D–2). Also from the death data available to the Commission at this time (see table 2) the lowest figure of COHb associated with a death is 26% COHb. The Commission suggests that the lowest CO exposure which is likely to have resulted in this figure is 200 ppm for exposure of 10–15 hours or more.

These data lead to the Commission conclusion that an ODS which shuts off gas to the heater when surrounding oxygen is depleted to less than 18%, would be adequate to address the acute hazard and thereby reduce the number of deaths from CO poisoning associated with unvented gas-fired space heaters. Further, since the ODS can be expected to effect a reduction in CO emissions by shutting off the gas supply, such a reduction can also help reduce levels of available CO that may present a chronic hazard.

Based on the available data the Commission has adopted, with nonmaterial modifications, the ODS provision of the ANSI standard which provides for shutoff at no less than 18% oxygen, when using the gas specified in the standard.

Test gases

Section 1212.6(b) of the standard describes the approximate characteristics of gases that would be used to measure the oxygen cutoff point for purposes of testing under the standard. In addition, measurements of the oxygen cutoff point using four other gases to represent the range of combustion characteristics of gases found in the U.S., are also being made by industry (27, 28). Several comments on the variability of test gases were received in response to the proposal. Discussion of these views, and the Commission's resolution of questions raised can be found below under Part F, Comments on Proposal, Requirements for ODS.

Part F also contains discussions of other technical comments and Commission responses.

Relationship of ODS to other parts of the product

The standard requiring an ODS system for unvented gas-fired space heaters to address the hazard of CO poisoning, should have no effect on other parts of the heaters or any other potential hazards that may exist. On the other hand, the effectiveness of the ODS in reducing the CO hazard can depend, in part, on the predictable operating characteristics of the heater, such as in providing for proper combustion with a minimum of CO production (1).

The Commission considers that the ODS standard does not replace any voluntary standards or parts of such standards that may apply to other performance or construction characteristics of the heaters for addressing any other potential hazards such as thermal burns or fires. The Commission has not evaluated any provisions of voluntary standards that may deal with these other hazards and, therefore, neither approves nor disapproves them. However, a properly designed and constructed consumer product helps promote safety. Therefore, manufacturers of unvented gas-fired space heaters equipped with ODS systems are encouraged to adhere to customary good manufacturing practices such as may be needed to ensure that the products would be generally acceptable under state and local building codes.

A REVIEW OF THE LABELING REQUIREMENT

Origin of the label

The label required by § 1212.8 of the standard is based on the provisions in the ANSI voluntary standard dealing with marking of products for warning purposes, in the same manner as the technical requirements for ODS are based on appropriate technical parts of the ANSI Standard. In addition, Commission technical staff formulated related clarifying information for the label in accordance with established techniques for effectively communicating messages that could influence the safety behavior of people who use the product (33, 34). Thus, the resulting label that was published in the proposed standard was based on industry experience with marking for safety information as well as from the technical literature on transmission of safety messages. Since the label follows such accepted practices, the Commission concluded that a statistically-based comprehensive survey of possible consumer reaction to the cautionary label was not warranted. However, as described further below, Commission contractors while engaged in canvassing small groups of consumers in several different locations concerning other, unrelated Commission information and education activities, showed the proposed label to them for the purpose of eliciting their opinions.

The label depicted below is also included in the Table 3 chart of provisions of the CPSC and ANSI requirements in order to easily compare the respective provisions.

Authority for label

Authority for this label is under section 7(a) of the CPSA (15 U.S.C. 2056(a)) which provides that requirements for clear and adequate warnings and instructions may be issued as a standard or part of a standard. As with other individual provisions of a standard, the requirement for a label is for the purpose of reducing or eliminating an unreasonable risk of injury associated with a consumer product. The Commission also issues the labeling requirements under section 27(e) of the CPSA (15 U.S.C. 2076(e)). Under this section the Commission may issue a rule requiring manufacturers to provide performance and technical data related to performance and safety of a product to the Commission and to prospective purchasers, including consumers, to the extent the rule serves a purpose of the CPSA. Since information on the label provides hazard information about CO and also technical and performance data concerning ODS function, the Commission considers that the label is issued under both section 7 and section 27(e) of the CPSA.

BILLING CODE 6355-01-M

WARNING

When used without fresh air, heater may give off CARBON MONOXIDE, an odorless, poisonous gas.

OPEN WINDOW AN INCH OR TWO FOR FRESH AIR WHEN USING HEATER!

This heater has a Federally-required PILOT LIGHT SAFETY SYSTEM that turns off heater if not enough fresh air is available.

DO NOT TAMPER WITH PILOT LIGHT SAFETY SYSTEM!

If heater shuts off, do not relight until you provide fresh air.

If heater keeps shutting off, have it serviced. Keep burner and control compartment clean.

CARBON MONOXIDE POISONING MAY LEAD TO DEATH.

Early signs of carbon monoxide poisoning resemble the flu, with headache, dizziness and/or nausea. If you have these signs, heater may not be working properly. Get fresh air at once! Have heater serviced.

Some people -- pregnant women, persons with heart or lung disease, anemia, those under the influence of alcohol, those at high altitudes --- are more affected by carbon monoxide than others.

BILLING CODE 6355-01-C

The need for a label

The nature of CO as an odorless, colorless gas, means that people are generally unaware of CO emissions. Thus, most people would not understand the CO hazard associated with unvented gas-fired space heaters unless the heaters are supplied with a warning label. Although the ODS itself will reduce the hazard, a label warning consumers of CO hazards and providing information and instructions for preventing CO poisoning in a simple way, can also help to reduce the hazard by informing and involving the consumer in measures to prevent the hazard. The individual parts of the label are reviewed below:

That CO is a highly toxic gas, as noted in the first part of the label, is well documented in the literature (14, 15). The formation of CO in an oxygen-deficient atmosphere is described in the first sections of this Part D, Technical Considerations. CO is insidious even for those who are conscious and can take steps to provide adequate ventilation. When people are unprotected because they are unaware as during sleeping hours, the hazard is particularly acute. Thus it is important to provide this basic warning information to consumers. Immediately following the warning, the label provides technical information on immediate means for reducing the hazard: by supplying fresh air.

By describing the heater as equipped with a safety system rather than providing a definition of the ODS, the label provides technical information in a nontechnical way. This description of the ODS as a pilot light safety system that turns off the heater if not enough fresh air is available, is intended to be clear to users of the heater. As discussed above in Part D, Review of ODS Requirement, an ODS required by the standard is a kind of pilot light that is intended to shut off the gas supply if oxygen in the surrounding atmosphere is depleted to life-threatening levels; in contrast an ordinary pilot light is generally intended to remain stable until extremely low levels of oxygen are reached. The Commission is of the opinion that for purposes of condensing information on a label, it is more helpful to consumers for the label to refer to the ODS as a safety system that is a pilot light since, from ordinary experience, consumers would probably be familiar with pilot lights. A technical description of ODS would be lengthier and probably more difficult to understand. The label also emphasizes that providing fresh air is the first thing to do if the heater shuts off, so that plentiful oxygen would be supplied by the user to replace CO gas; relighting the heater must wait until fresh air has been provided. Also emphasized here is that fresh air must be supplied when the heater is in use; as indicated in figures 1 and 2, oxygen from fresh air is needed to avoid unacceptable levels of CO.

The approximate mid-section of the label provides performance and technical information concerning the ODS. In a narrative and cautionary way, the user is advised to seek expert assistance if the heater keeps shutting off. Such shutoff can result from maladjustment of the burner due to blockage of the burner's primary air passages, or dirt, or shutter maladjustment (2 D–3); since such a situation could increase CO emissions, encouraging the user to seek technical assistance in such situations, and advising that it is important to keep the burner area clean, can help the ODS to perform efficiently. Information that cautions the consumer against tampering with the ODS, helps carry out the intention of § 1212.5(c) of the standard. This section which deals with the requirements for the ODS, provides that the ODS must not include means of field adjustment that would enable a user to change the set point at which the ODS shuts off the heater. This provision of the standard is needed to discourage tampering which could result in damage to the ODS and could mean loss of protection against oxygen depletion and possible increased concentration of CO. Another consequence of tampering could be continuing nuisance shutdowns and unnecessary loss of heat. Comments received from industry as well as from professionals in the field of fire protection (31) emphasize that nuisance shutdowns on the one hand or possible loss of ODS protection from tampering on the other hand are matters of safety concern. Advising the user against tampering thus helps reinforce the reason for this requirement of the standard.

The two concluding paragraphs of the label provide information on possible symptoms from low levels of CO emissions and on CO sensitivities of certain populations (2 D–3, D–5, 16, 17, 20—see also table 1). As further explained in Part G, Statutory Findings on the nature and degree of the risk of injury, low concentrations of CO from unvented gas-fired space heaters raise the possibility of chronic health effects from continuous use. Heater users who show continuing flu-like symptoms are encouraged by this part of the label, to be aware of the possible CO hazard and to have their products serviced. The Commission is of the opinion that this part of the label will provide important information to consumers on this hazard and what steps are needed to prevent it.

Label effectiveness

The efficacy of a label to transmit a message that induces safety-related behavior to help reduce risk, is a matter of interest to the Commission for consumer products in general. Technical literature available to the Commission indicates that aspects of human behavior and attention spans of people in relation to labels are not clearly known. Research into this problem as described in the literature (33) has helped establish criteria concerning positioning of a label and for matters such as how color and type-size may help hold attention and transmit a message.

The label was reviewed by 61 consumers as part of a limited survey effort. Small groups of white, black and Hispanic consumers in Grundy, Virginia, Oxford, Mississippi, and New York City who had been assembled by a Commission contractor to review other Commission information and education materials were also presented with a questionnaire relating to the label in the proposed standard (32 J–4). Fewer than ⅓ of these consumers used unvented gas-fired space heaters. Most of the people could read and understand the label and said they would follow the instructions. Some thought the label was too long; these thought a label highlighting the most important parts of the message would be preferable because it might be less lengthy. Many of the respondents, were somewhat fearful about using gas heaters of any kind or thought the safety system could be too troublesome; this fearfulness did not appear to be induced by the label. Of those who already owned or used unvented gas-fired space heaters, the majority indicated a readiness to buy heaters with the proposed label.

The limited survey described here indicated some reluctance to use gas heaters by those respondents not familiar with gas; such reluctance did not appear to be a factor with those who have been users of unvented gas-fired space heaters or were familiar with their use. Commission economists note that these heaters are predominantly for the replacement market rather than for first-time users (32F). Thus it could be inferred that those who purchase for replacement, like those in the survey familiar with the product, would not be deterred by the warning label from purchasing ODS-equipped heaters. Therefore, the label is not expected to have an adverse impact on sales.

Further, although in the proposal the Commission particularly solicited comment on the proposed label, no views were received concerning any effect the warning might have on the utility of the product. Nor were there comments challenging the readability or understanding of the message contained in the label. Similarly, no commenters directly questioned the validity of the message. (As described more fully under Part F, Comments on Proposal, the commenters from industry prefer the original ANSI wording requiring that the heater user provide specific inches of open window.)

Among the matters considered by the Commission in proposing the label was the matter of any added costs that could be incurred by industry. That none of the commenters discussed the matter of costs, underscores the Commission view that the label requirement would not appreciably add to the cost of the product. Manufacturers already provide a warning label as required by the ANSI standard. The Commission concludes that any added burden that might be incurred as a result of the CPSC-required label would be negligible.

Required form of the label

As described in § 1212.8, this label must be permanently affixed to the product. The word "warning" must be in capital letters at least ¼-inch high. The other letters must be at least ⅛-inch high. During the staff survey of consumers described above, several repondents suggested a preference for a somewhat shorter label; some also expressed a preference that the essential parts of the message dealing with the CO hazard be highlighted for the benefit of consumers (32 J–4).

The Commission concludes that the label must include all the information discussed in this section in essentially the same form as published in the proposed standard, although the information is somewhat differently arranged for purposes of clarity. In an effort to simplify the label without changing its substance, nonessential articles (such as, "the" before "heater" and "a" before "window") have been deleted. In addition, the Commission added a new § 1212.8(c), to the standard which requires that the parts of the label message dealing with the CO hazard must be emphasized. This emphasis may be provided by italicized lettering, by different colors, by outlining, or by other means that highlight the CO hazard warning. Commission compliance staff members would be glad to informally discuss with the individual manufacturers other means of highlighting this information on compliance with the standard. The label statement that "this heater has a Federally-required pilot light safety system", in addition to providing information also serves as the manufacturer's certification that the heater meets the requirements of the standard (see § 1212.22(a)(2)(i) below).

Except for these changes, the wording of the label is unchanged from that set forth in the proposed standard.

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TABLE 3
COMPARISON OF ANSI AND CPSC ODS AND LABELING REQUIREMENTS*

ANSI	CPSC	RATIONALE
	DEFINITIONS	
Part 4	Section 1212.3	
BTU. Abbreviation for British Thermal Unit. The quantity of heat required to raise the temperature of one pound of water 1°F.	(a) BTU. Abbreviation for British Thermal Unit. The quantity of heat required to raise the temperature 1 pound ( ) of water 1°F ( ).	No modifications except that metric equivalent to be inserted in standard.
BURNER. A device for the final conveyance of the gas or a mixture of gas and air, to the combustion zone. 1. Injection Bunsen Burner. A burner employing the energy of a jet of gas to inject air for combustion into the burner and mix it with the gas. a. Atmospheric Injection Burner. A burner in which the air at atmospheric pressure is injected into the burner by a jet of gas. 2. Luminous or Yellow-Flame Burner. A burner in which secondary air only is depended on for the combustion of gas. 3. Power Burner. A burner in which either gas or air or both are supplied at pressures exceeding, for gas, the line pressure; and for air, atmospheric pressure; this added pressure being applied at the burner. a. Premixing Burner. A power burner in which all or nearly all of the air for combustion is mixed with the gas as primary air.	(b) BURNER. A device for the final conveyance of the gas, or a mixture of gas and air, to the combustion zone.	The specific types of burners defined in the ANSI standard may have some bearing on other parts of the standard. They have been deleted from the CPSC proposal as they are not needed for ODS purposes.

*[In some instances the CPSC requirement is the same as the ANSI provision; both are presented so that the applicable provisions of each standard can be read as a separate entity. In addition, the rationale column may contain no explanation of an ANSI provision that CPSC has accepted unchanged. In general, such items in the ANSI standard result from engineering judgment based on experience and skill in the development and manufacture of gas appliances. The Commission is not aware of any basis for questioning these technical assumptions, nor did the comments or any other events since the proposal of which the Commission is aware raise any questions to the contrary.]

4. Pressure Burner. A burner which is supplied with an air-gas mixture under pressure (usually 0.5 to 14 inches of water and occasionally higher).		
CUBIC FOOT OF GAS. The amount of gas would occupy 1 cubic foot when at a temperature of 60° F if saturated with water vapor and under a pressure equivilent to that of 30 inches of mercury.	(c) CUBIC FOOT OF GAS. The amount of gas which would occupy 1 cubic foot ( ) when at a temperature of 60° F if saturated with water vapor and under a pressure equivalent to that of 30 inches of mercury ( ).	No modifications, except that metric equivalent will be inserted in standard.
NONE	(d) FIELD ADJUSTMENT MEANS. A part, device, or mechanism which allows a change in setting by the user.	The definition is added by Commission staff to clarify the term used in Sec. 1212.5.
HEATING VALUE TOTAL. The number of British Thermal Units produced by the combustion at constant pressure of 1 cubic foot of gas when the products of combustion are cooled to the initial temperature of the gas and air, when the water vapor formed during combustion is condensed, and when all the necessary corrections have been applied.	(e) HEATING VALUE. The number of British Thermal Units ( ) produced by the combustion at constant pressure of 1 cubic foot ( ) of gas when the the products of combustion are cooled to the initial temperature of the gas and air, when the water vapor formed during combustion is condensed, and when corrected to a temperature of 60° F ( ) at a pressure equivalent to 30 inches of mercury ( ).	The definition is changed to incorporate the temperature and pressure corrections which appear elsewhere in the ANSI standard.
INPUT RATING. The gas burning capacity of an appliance in Btu per hour as specified by the manufacturer. Appliance input ratings are based on sea level operation and need not be changed for operation up to 2,000 feet elevation. For operation at elevations above 2, 000 feet, input ratings should be reduced at the rate of 4 percent for each 1,000 feet above sea level.	(f) INPUT RATING. The maximum gas-burning capacity of an appliance in Btu per hour ( ) as specified on the nameplate by the manufacturer.	The definition is changed to specify that input rating be the "maximum" achievable by the heater being tested. The input rating shall be that which appears "on the nameplate" so that if more than one input is shown by the manufacturer the maximum value will be used for the purposes of this test.

Class I. Integral Marking. Marking that is embossed, cast, stamped or otherwise formed in the part.	(g) INTEGRAL MARKING. Marking that is embossed, cast, stamped or otherwise formed in the part.	No modifications.
LIQUEFIED PETROLEUM GASES. The terms "Liquefied Petroleum Gases," "LPG," and "LP-Gas," as used in this standard shall mean and include any material which is composed predominantly of any of the following hydrocarbons, or mixtures of them; propane, propylene, butanes (normal butane or isobutane), and butylenes.	(h) LIQUEFIED PETROLEUM GASES. Any material which is composed predominantly of any of the following hydrocarbons, or mixtures of them: propane, propylene, butanes (normal butane or isobutane), and butylenes.	No modifications.
LP GAS-AIR MIXTURES. Liquefied petroleum gases distributed at relatively low pressures and normal atmospheric temperatures which have been diluted with air to produce desired heating value and utlization characteristics.	(i) LP GAS-AIR MIXTURES. Liquefied petroleum gas, distributed at relatively low pressures, and normal atmospheric temperatures, which nave been diluted with air to produce desired heating value and utilization characteristics.	Editorial changes are made for clarity.
NONE	(j) MANUFACTURED GAS. A gas produced from coal, coke, or oil, or by reforming of natural or liquified petroleum gases or any mixtures thereof, and including any natural or liquified petroleum gas if used for enriching.	This definition has been added for completeness. The definition is taken from the Gas Engineer's Handbook. The gas is typical of the gases recommended by manufacturers for use with their heaters. Where a manufacturer specifies the use of a particular gas, that gas would be the gas used by CPSC staff in testing procedures to determine compliance.

NONE	(k) MIXED GAS. A gas in which manufactured gas is co-mingled with natural or liquefied petroleum gas in such a manner that the resulting product has a Btu value higher than that previously produced by the utility prior to the time of the introduction of natural or liquefied petroleum gas.	(See "Manufactured Gas" above)
NONE	(l) NATURAL GAS. A naturally occurring mixture of hydrocarbon and nonhydrocarbon gases found in porous formations beneath the earth's surface, often in association with crude petroleum. The natural gas of commerce supplied to fuel gas markets, usually contains from 80 to 95 percent methane and lesser amounts of ethane and propane. Most of the remainder is nitrogen.	(See "Manfuactured Gas" above)
NORMAL BUTANE (N-BUTANE), TECHNICAL GRADE. A liquefied petroleum gas composed of a minimum of 95 percent n-butane (C_4H_{10}) which may contain other impurities such as isobutane, butylenes and propane not in excess of 5 percent.	(m) NORMAL BUTANE (N-BUTANE), TECHNICAL GRADE A liquefied petroleum gas composed of a minimum of 95 percent n-butane (C_4H_{10}) which may contain other impurities such as isobutane, butylenes and propane not in excess of 5 percent.	No modifications.
OXYGEN DEPLETION SAFETY SHUTOFF SYSTEM. A system designed to act to shut off the gas supply to the main and pilot burners if the oxygen in the surrounding atmosphere is depleted to the percent concentration specified by the manufacturer, but not lower than 18.0 percent.	(n) OXYGEN DEPLETION SAFETY SHUTOFF SYSTEM (ODS). A system designed to act to shut off the gas supply to the main and pilot burners if the oxygen in the surrounding atmosphere is depleted to a specified value (see Section 1212.5(b), regardless of other conditions, such as temperature or carbon monoxide concentration. (The system shall depend primarily on lack of oxygen for actuation and not primarily on other phenomena in the surrounding atmosphere such as temperature or CO concentration.)	Specifying the 18% oxygen level is a requirement and not necessary for the definition. A phrase was added to clarify and emphasize that the ODS shall operate at a specified oxygen level regardless of of other conditions such as temperature or carbon monoxide concentration. This was done to preclude other types of devices from qualifying under this standard by chance without necessarily responding to a depleted oxygen condition.

Class II. Permanent Plate Shall be made of metal having a minimum thickness of 0.012 inch and shall be securely attached by mechanical means.	(o) PERMANENT PLATE MARKING. Marking that is made of metal having a minimum thickness of 0.012 inch ( ) and that is securely attached so that it will remain with the heater throughout its life expectancy.	The purpose of this modification is to require that the label remain with the heater throughout its life expectancey. Any technique to accomplish this purpose would be acceptable.
PILOT. A gas flame(s)utilized to ignite the gas at the main burner(s).	(p) PILOT. A small flame which is utilized to ignite the gas at the main burner(s).	No modifications.
PROPANE HD-5. A special grade of liquefied petroleum gas composed of a minimum of 90 percent liquid volume of propane (C_3H_8) and a maximum of 5 percent liquid volume of propylene (C_3H_6).	(q) PROPANE HD-5. A special grade of liquified petroleum gas composed of a minimum of 90 percent liquid volume of propane (C_3H_8) and a maximum of 5 percent liquid volume of propylene (C_3H_6).	No modifications.
SPECIFIC GRAVITY. As applied to gas, the ratio of the weight of a given volume to that of the same volume of air, both measured at the same temperature and pressure.	(r) SPECIFIC GRAVITY. As applied to gas specific gravity is the ratio of the weight of a given volume to that of the same volume of air, both measured at the same temperature and pressure.	No modifications.
NONE	(s) STOICHIOMETRIC COMBUSTION. The rapid oxidation of fuel gases, having the exact proportions of fuel and air required for theoretically complete chemical reaction.	This definition has been added to aid in understanding the standard, since the term is used in the test procedure.

UNVENTED ROOM HEATER. An unvented self-contained, free-standing, nonrecessed (except as noted under 6 of the following classifications), gas-burning appliance for funishing warm air by gravity or fan circulation to the space in which installed directly from the room heater without duct connection. Unvented room heaters shall not have a normal input rating in excess of 40,000 Btu per hour, execpt as noted under 6 of the following classifications.	(t) UNVENTED GAS SPACE HEATER. A self-contained, free-standing or recessed, gas-burning appliance which furnishes warm air to the surrounding or adjacent living space by gravity convection, fan circulation or radiation directly from the heater and without duct connections, and which discharges combustion products such as carbon monoxide, carbon dioxide, and water vapor directly into the heated space. The term includes the following:	The definition in the Commission draft is taken from the proposed ban on unvented heaters published in the Federal Register of February 14, 1978 (43 FR 6235). This definition defines the products identified as associated with the unreasonable risk of injury. The basis for the definition is discussed in Section D above.
1. Unvented Circulator. A room heater designed to convert the energy in fuel gas to convected and radiant heat by direct mixing of air to be heated with the combustion products and excess air inside the jacket. Unvented circulators have an external jacket surrounding the burner and may be equipped with radiants with the jacket open in front of the radiants.	(1) "Unvented Circulator." A room heater designed to convert the energy in the fuel to convected and radiant heat by direct mixing of air to be heated with the combustion products and excess air inside the jacket. Unvented circulators have an external jacket surrounding the burner and may be equipped with radiants with the jacket open in front of the radiants.	
2. Coal Basket. An unvented, open-flame type room heater consisting of a metal basket filled with simulated coals which gives the appearance of a coal fire when in operation. A coal basket is for installation in an incombustible fireplace only.	(2) "Wall Heater, Unvented Closed Front." An unvented circulator having a closed front for insertion in or attachment to a wall or partition.	
3. Fireplace Insert. An unvented open-flame radiant-type heater mounted in a decorative metal panel to cover the fireplace or mantel opening. A fireplace insert is for installation in an incombustible fireplace only.	(3) "Radiant Heater." An open-front unvented room heater designed primarily to convert the energy in the fuel to radiant heat by means of refractory radiants or similar radiating materials. A radiant heater has no external jacket.	

4. Gas Log. An unvented, open-flame type room heater consisting of a metal frame or base supporting simulated logs. A gas log is for installation in an incombustible fireplace only. 5. Radiant Heater. An open-front unvented room heater designed primarily to convert the energy in fuel gas to radiant heat by means of refractory radiants or similar radiating materials. A radiant heater has no external jacket. A radiant heater is for installation in an incombustible fireplace only. 6. Wall Heater, Unvented Closed Front. An unvented circulator having closed front, for insertion in or attachment to a wall or partition. These heaters shall be plainly marked, "UNVENTED HEATER" in letters ½ inch high and shall not have normal input ratings in excess of 25,000 Btu per hour.		
	REQUIREMENTS	
Oxygen Depletion Safety Shutoff Systems Section 1.8 A room heater equipped with an oxygen depletion sensitive safety shutoff system shall comply with the applicable provisions of this standard and, in addition, shall comply with the following specifications.	Section 1212.5 Requirements for ODS (a) Each heater shall be equipped with an oxygen depletion safety shutoff system (ODS) capable of shutting off the gas supply if the oxygen in the surrounding atmosphere is depleted. (The system shall depend primarily on lack of oxygen for actuation and not primarily on other phenomena in the surrounding atmosphere such as temperature or CO concentration.)	Section 1212.5 of the proposal lists three requirements for Oxygen Depletion Sensors as discussed below.

1.8.1 The system shall shut off the gas supply to the main and pilot burners when the oxygen in the surrounding atmosphere is depleted to the percent concentration specified by the manufacturer, but not lower than 18.0 percent.	(b) The concentration of oxygen in the surrounding atmosphere at time of shutoff shall not be less than 18% when corrected to 70 degrees Fahrenheit ( ) at a barometric pressure equivalent to 30 inches of mercury ( ).	Section 1212.5(b) requires the ODS to shut off the main and pilot burners of the unvented gas space heater when the oxygen in the surrounding atmosphere is depleted to less than 18% concentration when corrected to a standard condition of 70°F and a pressure of 30 inches of mercury. The requirement for shutoff not lower than at 18% oxygen was added to the ANSI standard in 1974. The Commission has verified through testing in 1978 at the National Bureau of Standards that an 18% oxygen concentration at heater shutdown is adequate for addressing the risk of carbon monoxide poisoning/asphyxiation associated with unvented gas space heaters. The NBS report suggests that a 19% oxygen concentration requirement might be desirable because higher shutdown levels have been established for European heaters and would provide assurance that high carbon monoxide levels would never occur. Review of NBS data by Commission staff, however, indicates that the risk of acute lethality from overnight exposure to CO at an oxygen depletion level of 18% is relatively low. The rationale for the 18% shutoff level is discussed in detail in "Technical Considerations." The ANSI standard allows the manufacturer to specify oxygen cutoff concentration down to and including 18%, but this is irrelevant for the purpose of the proposed standard and has been deleted.

1.8.2 The system shall not incorporate field adjustment means capable of changing the set point at which the system acts to shut off the gas supply to the room heater.	(c) The ODS system shall not incorporate field adjustment means capable of changing the set point at which the system acts to shut off the gas supply to the heater	Section 1212.5(c) requires the ODS to be manufactured so that its set point for oxygen depletion shutdown cannot be adjusted by the user. This requirement is from the ANSI standard and is necessary to prevent users from tampering with the ODS, rendering it inoperative or insensitive to hazardous oxygen depletion.

TEST EQUIPMENT AND PROCEDURES

Section 2.9 Oxygen Depletion Safety Shutoff Systems On a room heater equipped with an oxygen depletion sensitive safety shutoff system, the system shall act to shut off the gas to the main and pilot burners when the oxygen level in the surrounding atmosphere is reduced to not less than 18.0 percent.	Section 1212.6 Test Equipment and Procedures This section describes the equipment and procedures to be used by CPSC for evaluating the shutdown performance of unvented gas space heaters fitted with oxygen depletion sensors. Alternate procedures and equipment may be substituted where equivalency can be demonstrated to CPSC.	The purpose of the test is to verify that the oxygen depletion sensor shuts off the gas flow to the unvented heater before the room oxygen concentration decreases below 18%. This test method is based on the ANSI standard. The format has been reorganized substanially. Some aspects have been changed as noted below.
Method of Test The burner and primary air adjustments shall be made in accordance with 2.3.3. The room heater shall be installed in a 1000 cubic foot room constructed so as to prevent infiltration of air. The room heater shall be operated for 15 minutes with the door of the room open and the room completely ventilated. The door shall then be sealed and the ventilation stopped. The heater shall be operated at normal test pressure. During the conduct of this test, the room air temperature shall be maintained at 80 F, plus or minus 5 F. A sample of the room atmosphere shall be withdrawn at the start of the test and analyzed for CO_2 and O_2. The percent oxygen* in the room atmosphere shall be continuously monitored during the entire test. When the oxygen depletion shutoff system acts to shut off the gas supply to the room heater, the oxygen content of the room atmosphere, expressed in	(a) Facilities Equipment and Conditions (1) Test Room or Chamber Size. The test shall be conducted in a room or chamber of sufficient size to hold the necessary equipment for conduction of the test, but no larger than 1000 cubic feet ( ) in volume.	The procedure requires the test to be conducted in a room of sufficient size to hold the necessary equipment but not larger than 1000 cubic feet in volume. The ANSI standard specifies that the test be conducted in a 1000 cubic foot room. However, room size is not significant in conducting this test. As the room becomes larger the time to deplete the oxygen increases, thereby inceasing the time to conduct the test. The 1000 cubic foot limit on room size is equivalent to the ANSI requirement.

percent volume, shall not be less than 18.0 percent.

This test shall be repeated with the heater operating at both the reduced and increased inlet test pressures specified in 2.3.1 with no change in adjustments.

The above tests shall be conducted with the type(s) of gas selected by the manufacturer.

APPENDIX E.

RELATIONSHIP OF CARBON DIOXIDE TO OXYGEN IN THE CLOSED ROOM TEST SPECIFIED IN 2.9 OF THIS STANDARD

(This Appendix is informative and is not part of the standard).

When a gas-burning appliance is operated in a room constructed so as to prevent the infiltration of air, the rate of increase in the precent carbon dioxide in the closed room atmosphere is directly proportional to the rate of decrease in the precent oxygen in that closed room atmosphere. The specific ratio between CO_2 and O_2 is dependent on the ultimate CO_2 resulting from the combustion of the particular fuel gas used. The ultimate CO_2, which will vary as a result of the specific composition of the fuel gas, for each of the Test Cases specified in this standard is as follows:

2) Air Infiltration

The room, including the door, shall be constructed so that air infiltration into the room shall not exceed 0.25 volume changes per hour when determined under the following conditions: Heater input rate = 40,000 Btu/hr ( ), Room Temperature = 70°F ( ), Temperature External to Test Room = 70°F ( ), Wind velocity External to Test Room = Zero mph ( ).

These restrictions are specified to establish a base for determining air infiltration rate only and are not conditions for the test.

The test is best conducted in a sealed room since the greater the amount of air leaking into the room, the longer it will take oxygen to deplete to the 18% shut off level. However, since the test is only measuring the level of oxygen at ODS shutdown, air filtration is not critical. Section 1212.6(a)(2) of the CPSC standard requires the room to be constructed so that air infiltration into the room shall not exceed 0.25 volume changes per hour when determined under specific conditions. This is a change from the ANSI standard which requires prevention of infiltration. However, the Commission believes that since the NBS achieved satisfactory performance of the ODS in a room constructed so that air infiltration was limited to 0.25 volume changes per hour, it is not necessary to require a test facility with a better seal. Air infiltration of 0.25 changes per hour is sufficiently low that the test can be conducted and accurate results achieved.

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* As an alternate to monitoring oxygen concentration, carbon dioxide concentration may be monitored and converted to percentage oxygen by use of the graph or formulae shown in Appendix E.

Test Gases	Ultimate CO_2
A	12.2
B and C	11.82
D, E, F, and G	14.0

The following equations may be used to calculate the relative values of CO_2 and O_2 in the closed room atmosphere for a specific test gas.

$$x = 20.93 - y\left(\frac{20.93}{y_1}\right)$$

When a gas-burning appliance is operated

$$y = \frac{y_1}{20.93}\ (20.93 - x)$$

where:

x = percent O_2
y = percent CO_2, and
y_1 = ultimate percent CO_2

Using the above equations, the graph shown in Figure A-1 was developed as an example to show the relationship of oxygen to carbon dioxide in the atmosphere of a closed room in which a gas-fired appliance is operated on natural gas (test Gas A) and on liquefied petroleum gases (test Gases D and E) and a 1400 LP gas-air mixture (test Gas G.)

3) Provisions for Remote Measurement

Provisions shall be made for the remote measurement and recording of the room air temperature, oxygen or carbon dioxide concentration, and barometric pressure.
Room air temperature shall be measured with at least five thermocouples at different levels and plan locations to provide an average room air temperature. The thermocouples shall be shielded from direct radiation from the heater during the test. The oxygen or carbon monoxide concentration in the room atmosphere shall be measured at a minimum of five locations, the same as the thermocouples above. Five separate measurements or a single measurement through the use of a manifold which samples at the five locations may be used. Barometric pressure may be measured at any location in the test room.

The requirement in Section 1212.6(a)(3) provides for remote measurement and recording of room air temperature, oxygen or carbon dioxide concentration and barometric pressure. This is not a specific requirement in the ANSI standard but is implied because these parameters are necessary in the determination of the heater and ODS performance. CPSC wishes to make clear the parameters which are necessary to measure. The same section specifies that the temperature shall be measured with at least five thermocouples at different locations, that the oxygen or carbon dioxide concentration shall be measured at the same locations as the temperature, and that the barometric pressure may be measured anywhere in the test room. Measurement of temperature and oxygen concentrations are necessary at several locations in order to assure an accurate average. CPSC will use five locations for measuring temperature and oxygen or carbon dioxide concentration in order to assure an accurate average temperature and an accurate oxygen or carbon dioxide concentration. Barometric pressure is naturally uniform through the room.

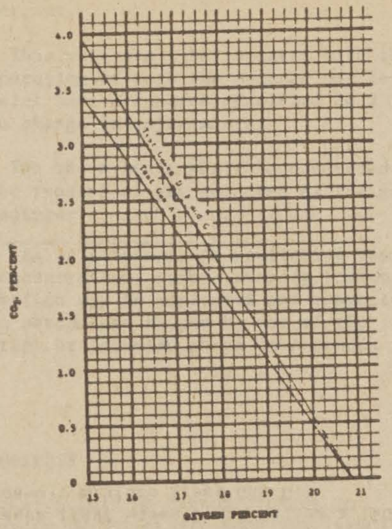

Figure A-1

Relationship of CO$_2$ to O$_2$ in the Closed Room Test (See 2.8)

4) Air Temperature. During the conduct of this test the room air temperature shall not exceed 85°F ( ) nor fall below 65°F ( ). The temperature shall be measured and recorded during the entire test to the nearest 1°F (°C). The correction for conversion to the standard condition of 70 degrees Fahrenheit and 30 inches of mercury is:

Corrected Oxygen at Shutdown =

$$\text{Measured Oxygen at Shutdown} \times \frac{(460+70)}{(460+T_R)} \times \frac{(P_B)}{(30)}$$

Where T_R = ambient temperature (°F) in test room at shutdown, and P_B = barometric pressure (inches Hg) in test room at shutdown.

In section 1212.6(a)(4) the allowable variation in room temperature has been changed from the ANSI requirement of 80 ± 5 °F to between 65-85° F. This has been done because a 10F° range is too restrictive. The room temperature is not a critical factor in the test because the results are corrected to 70° F regardless of the test conditions. The requirement for measuring temperature to 1F° is specified in the CPSC standard so that the use of temperature measuring devices with sufficient accuracy are used to assure reasonable maintanence of conditions without being unnecessarily severe. The correction to 70° F is not included in the ANSI standard but has been added to the standard so that test results of different temperatures and barometric pressures can be referenced to a standard condition for purposes of evaluation.

5) Oxygen/Carbon Dioxide Concentration.

The oxygen or carbon dioxide concentration in the room atmosphere shall be measured during the entire test and recorded to the nearest 0.1%. When carbon dioxide is measured the following equation will be used to calculate the relative value of oxygen in the room atmosphere for a specific test gas.

$$x = 20.93 - y \frac{(20.93)}{y_1}$$

where:

x = percent O_2 in room,
y = percent CO_2 measured in room,
y_1 = ultimate percent CO_2 resulting from stoichiometric combustion of the specific test gas,

20.93 = maximum percent oxygen

The test procedure at Section 1212.6(a)(5) of the standard incorporates provisions of the ANSI standard which address measurement of oxygen or carbon dioxide in the room atmosphere. The ANSI standard requires sampling for CO_2 and O_2 at the start of the test. This requirement has been excluded from the proposed standard because it is not necessary for the ODS test. ANSI uses it when the ODS test and a test required in another part of the ANSI standard (the combustion test) are performed concurrently. The standard does however, contain a requirement for monitoring oxygen or carbon dioxide during the entire test, including ODS shutoff, but not continuously as specified in the ANSI standard. The Commission believes that while it is necessary to have a coherent record of O_2 and CO_2, it is not necessary to have a continuous history. Periodic measurements of O_2 and CO_2 are believed to be sufficient for the purposes of the ODS test.

Another requirement of the test procedure is concerned with the method of converting the measurement of CO_2 to the appropriate O_2 value by means of a basic equation. This procedure is taken from the ANSI Standard and is used when CO_2 is monitored instead of direct monitoring of O_2.

Monitoring CO_2 is easier than monitoring O_2 because equipment is less complex and less costly. There is no difference in test results when measuring either CO_2 or O_2 because there is an explicit and predictable relationship between CO_2 and O_2 in a closed room.

6) Air Circulation. The atmosphere of the room shall be evenly mixed and shall not interfere with the operation of the heater under test. Air circulation shall be provided so that sufficient mixing is attained without causing movement of the main burner, pilot burner or oxygen depletion sensor flame. To ensure proper mixing, the temperatures sensed by thermocouples placed at the five locations chosen in accordance with paragraph 3). Provisions for remote measurements, above, shall not differ more than 5°F (3°C).

At Section 1212.6(a)(6) the requirement for air circulation to mix the room atmosphere has been added so that meaningful test results can be obtained from any part of the room. ANSI has added this to its standard for certain other tests in Z21.11.2 and is proposing to add it to the ODS test requirement. In addition, NBS recommended that this requirement be added.

2.2 TEST GASES

In conducting the performance tests specified herein, gases with characteristics approximately as shown in Table VIII shall be used.

TABLE VIII

CHARACTERISTICS OF TEST GASES

	Heating Value (Btu per Cu Ft)	Sp Gr (Air = 1.0)
Gas A (Natural)	1075	0.65
Gas B (Manufactured)	535	0.38
Gas C (Mixed)	800	0.50
Gas D (N-Butane)	3200	2.00
Gas E (Propane HD-5)	2500	1.55
Gas F (Propane-Air)	700	1.16
Gas G (Butane-Air)	1400	1.42
Gas H (Propane-Air)	1400	1.30

(b) Test Gases

The test shall be conducted with the type(s) of gas for which the heater is designed, as specified by the manufacturer. For example, a heater for use with Natural gas shall be tested with Natural gas. Gases with characteristics approximately as shown below shall be used.

CHARACTERISTICS OF TEST GASES

	Heating Value (Btu per Ft)	Specific Gravity	Ultimate CO_2 (%)
Natural	1075	0.65	12.2
Manufactured	535	0.38	11.82
Mixed	800	0.50	11.82
N-Butane	3200	2.00	14.0
Propane HD-5	2500	1.55	14.0
Propane-Air	700	1.16	14.0
Butane-Air	1400	1.42	14.0
Propane-Air	1400	1.30	14.0

Tne standard requires at section 1212.6(b) that the test of the ODS is to be conducted with the types of gases for which it is designed The characteristics of the test gases to be used are described. This requirement is taken from the ANSI standard and is justified on the basis that the ODS should be tested with the gas for which the heater is designed.

(See paragraph 2.9 Oxygen Depletion Safety Shutoff Systems - Method of Test, above)

(c) Procedures

(1) The heater shall be assembled and adjusted in accordance with any instructions provided by the manufacturer. It shall be installed near the geometric center of the tent room floor. The heater shall be started and set at maximum input.

(2) The heater shall be operated for 15 minutes with the door of the room open and the room completely ventilated. The door of the room shall then be closed and ventilation stopped.

(3) The heater shall be operated at maximum input until the oxygen depletion sensor shuts off the heater. When the ODS acts to shut off the gas supply to the heater the following shall be determined and recorded: i) oxygen (or carbon dioxide) concentration of the room atmosphere, ii) average room temperature, iii) barometric pressure. The necessary corrections and conversions shall be made and the test results recorded.

(4) The test shall be repeated with the room heater operating at both reduced and increased inlet test pressures specified in the following table with no change in adjustments.

INLET TEST PRESSURES

Test Gas	Test Pressures-Inches Water Column Reduced	Normal	Increased
Natural	3.5	7.0	10.5
Manufactured	3.0	6.0	9.0
Mixed	3.0	6.0	9.0
n-Butane	8.0	11.0	13.0
Propane H D-5	8.0	11.0	13.0
Propane-Air (700)	3.0	6.0	9.0
Butane-Air (1400)	3.5	7.0	10.5
Propane-Air (1400)	3.0	6.0	9.0

The procedure at section 1212.6(c) requires the heater to be assembled and adjusted in accordance with the manufacturer's instructions. This is a change from the ANSI standard which specifies certain detailed adjustment requirements that the Commission believes are unnecessarily restrictive for the intended purpose of the test. Consumers generally would assemble and operate a heater in accordance with instructions supplied with the heater by the manufacturer. Therefore, assembling the heater for testing in accordance with the manufacturers instructions tends to simulate actual consumer use.

The procedure also at section 1212.6(c) requires installation of the heater in the test room, operation of the heater at maximum input rating, closing the door after 15 minutes, and then continuing to operate the heater a maximum input until the oxygen depletion sensor operates to shut off the heater. These requirements are from the ANSI standard test procedure.

LABELING

Section 1.21 Marking

1.21.4 Each room heater shall bear a clearly legible Class III marking adjacent to the lighting or control area on which appears the following statement:

"WARNING: Minimum fresh air opening of _____ square inch must be provided for ventilation."

The size opening specified shall be no less than 1 square inch per 1,000 Btu per hour input.

The word "WARNING" shal' be in letters at least ¼ inch high and the remainder of the wording in letters at least 1/8 inch high.

1.21.5 A room heater equipped with an oxygen depletion safety shutoff system shall bear a Class IIIA marking in a location where it can be easily observed on which appears the following statement:

"This heater is equipped with an oxygen depletion safety shutoff system."

Section 1212.8 Labeling

(a) Each heater shall bear an Integral Marking label or Permanent Plate Marking label which shall be conspicuous and clearly legible when the heater is in an installed position. The marking label shall contain the following statement:

WARNING

When used without fresh air, heater may give off CARBON MONOXIDE, an odorless, poisonous gas.

OPEN WINDOW AN INCH OR TWO FOR FRESH AIR WHEN USING HEATER!

This heater has a federally-required PILOT LIGHT SAFETY SYSTEM that turns off heater if not enough fresh air is available.

DO NOT TAMPER WITH PILOT LIGHT SAFETY SYSTEM!

If heater shuts off, do not relight until you provide fresh air.

If heater keeps shutting off, have it serviced. Keep burner and control compartment clean.

CARBON MONOXIDE POISONING MAY LEAD TO DEATH.

Early signs of carbon monoxide poisoning resemble the flu, with headache, dizziness and/or nausea. If you have these signs, heater may not be working properly. Get fresh air at once! Have heater serviced.

Some people — pregnant women, persons with heart or lung disease, anemia, those under the influence of alcohol, those at high altitudes — are more affected by carbon monoxide than others.

The standard has a labeling requirement which is more comprehensive than the the labeling requirement in the ANSI standard. The label provides warning information on ventilation requirements, identifies populations which are at greatest risk, provides information on the function of the ODS, and instructions on what action to take if the heater shuts off.

The warnings are necessary to provide sufficient information to allow the user to operate the heater safely, and to be aware of the potential hazards associated with the use of unvented gas space heaters in confined spaces.

The label construction and material are specified in the standard to insure that it will remain with the heater during its useful life. Definitions of label types are taken from the ANSI standard (see Class I and Class II labels in the definitions section above). The requirement also contains provisions related to the visibility of the labels.

(b) The word "WARNING" shall be in letters at least 1/4 inch high and the remainder of the wording in letters at least 1/8 inch high.

(c) The three statements outlined by rectangular enclosures in the label in subsection (a) above shall be set apart from the other information in the label by italics, color contrast, rectangular enclosures as illustrated, or similar means.

BILLING CODE 6355-01-C

E. Effective Date and Stockpiling Rule

Based on technical information and information from the unvented gas-fired space heater industry concerning the earliest time manufacturers could produce complying products, the proposed standard provided for an effective date of December 31, 1980. In practical effect, this meant that by late January or February of 1981, when the yearly production cycle [2] for this industry would begin, manufacturers would have available whatever components and technical expertise would be necessary to begin manufacture of unvented gas-fired space heaters equipped with ODS. After distribution through the marketing chain these ODS-equipped heaters would reach retail stores in the fall of 1981 for purchase and use by consumers during the 1981–82 heating season.

However, comments on the proposed standard from the unvented gas-fired space heater industry described the need, not before fully explored, for extensive field testing to assure reliable performance (see Part F, Comments on Proposal). Based on the information provided in these comments, the Commission has decided to issue this standard with an effective date of June 15, 1981 to allow time for extensive field testing and for manufacturers to modify their products as needed as a result of these tests. The industry's comments have persuaded the Commission that extensive field tests are needed to ensure that ODS-equipped heaters, products that have never been produced by U.S. manufacturers, perform in a safe, reliable manner.

Since manufacturing is generally completed by that time, an effective date of June 15, 1981 means that the heaters manufactured between February and June of 1981 would not be equipped with ODS. Therefore, in contrast to the result anticipated when the rule was proposed, the unvented gas-fired space heaters consumers purchase in the fall of 1981 for use in the 1981–82 heating seasons, would not contain ODS. Further, not until the production cycle beginning in about February 1982 would ODS-equipped heaters be produced—and not until the fall of 1982 could consumers purchase ODS-equipped heaters. The effective date of June 15, 1981 means that consumers would have to wait an extra year, until the 1982–83 heating season, before ODS-equipped heaters would be available for purchase.

The Commission is concerned about the potential for injury that arises because there will be yet another year during which manufacturers will produce and consumers will be able to purchase and use unvented gas-fired space heaters that are not equipped with an ODS. CPSC staff contacts with industry continue to emphasize the urgency of producing ODS-equipped heaters in an expeditious manner. In addition, the Commission also proposes a stockpiling rule elsewhere in this issue of the **Federal Register.** As further described at the conclusion of this Part E of the preamble, a stockpiling rule would restrict the number of non-ODS heaters that could be produced during the manufacturing cycle beginning in about February of 1981. A stockpiling rule would provide production guides for manufacturers while it helps avoid proliferation of unvented gas-fired space heaters that are not equipped with ODS.

Determination of a reasonable effective date

In light of the need for additional time for full-season field tests, the Commission sought to determine a date when a manufacturer working efficiently and diligently could reasonably be expected to produce unvented gas-fired space heaters that comply with the standard. Commission technical staff held public meetings and discussions with gas controls manufacturers, heater manufacturers and representatives of trade associations and gas testing laboratories (32G). In this way, the Commission has been kept informed of the current state of development and the stages to be expected before ODS-equipped heaters could be ready for marketing. This information, together with the information on usual industry practices developed in the course of this proceeding (32F) provides an example of a development calendar that a manufacturer might reasonably be expected to follow in order to produce unvented gas-fired space heaters that comply with the standard.

Several individual groups are part of the development and application of ODS to unvented gas-fired space heaters. Gas controls manufacturers design, test and fabricate ODS devices; these are purchased by heater manufacturers who assemble them along with other components into the completed products. Although the two are independent of each other, controls manufacturers generally would try to produce components that would require minimal redesign of the heater. Before purchasing any quantity of control devices such as ODS, the heater manufacturer would require some assurance that the device meets requirements of any voluntary industry standard that would be applicable. The certifying group of the gas appliance and distribution industry, AGA, would therefore be requested by the controls manufacturer to evaluate and test the ODS to determine whether it meets the requirements of the ANSI voluntary standard that applies for this product. When this step is accomplished, additional ODS would be fabricated for actual application to heaters. Again, in order to determine whether the ODS functions as the ANSI standard requires, the heater manufacturer submits the product to the AGA laboratories for evaluation and testing. If the requirements are met, AGA so certifies to the heater manufacturer.

At the public meeting of March 10, 1980 to receive oral presentations of interested persons on the proposed standard, a gas controls manufacturer presented information on his firm's development of ODS for American heaters (30). At a public meeting on June 27, 1980 attended by Commission technical staff as well as other industry representatives, this firm's progress with ODS was summarized.

The controls manufacturer exhibited a new design of an ODS pilot with improved laminar flow characteristics. The firm suggests that, in contrast to an earlier ODS it had studied, the present design is not overly sensitive to changes in gas pressure that may occur; therefore, it may not need to have a pressure regulator to ensure uniformity of gas pressure. The firm believes that production is feasible because dimensional variations can be tolerated. The firm expects to request preliminary evaluation of this ODS from AGA late in the third calendar quarter of 1980, at which time it expects to be able to advise heater manufacturers that the ODS has been successfully applied to their products.

A heater manufacturer present at the June 27, 1980 technical meeting advised that with this information on successful application of the ODS, he would begin tooling up to produce some ODS-equipped heaters even before AGA had certified them. The controls manufacturer and the heater manufacturer advised that they could be ready for final AGA testing and evaluation in January 1981; AGA certification would be expected at the end of January 1981. With this certification, the controls manufacturer would be able to deliver 1500 ODS (500 to each of the three known unvented gas-fired space heater manufacturers). Therefore, during the period when heater manufacturers would normally be manufacturing unvented gas-fired space heaters without ODS, each would also manufacture 500 ODS-equipped heaters to be sold in the ordinary course of business in the fall of 1981. The heater manufacturer advised that his 500 heaters would be closely monitored for field test purposes (presumably the two other principal manufacturers would be monitoring similar field tests). In addition, the heater manufacturer advised that in February 1981, after AGA certification, he would assemble a small number of ODS-equipped heaters especially to install them in employees' homes for observation during the 4–5 week period remaining in the heating season in his section of the country. This limited field test might provide information on technical questions and indicate the need for some modification. Final modifications found needed as a result of the full field tests in the 1981–82 heating season, could be in process and completed by the spring of 1982. At that point, the production lines of the control manufacturer and the heater manufacturers would be ready for full production of completely tested, ODS-equipped heaters; these heaters would be in retail stores in the fall of 1982 ready for purchase and use in the 1982–83 heating season.

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[2] The usual production cycle for unvented gas-fired space heaters is that manufacturing is begun about late January or early February and completed by early June. Sales to distributors and retailers generally take place during the summer and early fall. Consumers generally buy these products in the fall for the heating season that begins in November/December.

Field tests

At the time the standard was proposed, the Commission was aware that time for design, testing and possible modification of ODS and ODS-equipped heaters would be a factor in determining an optimum effective date both for industry and to assure consumers that this new product would perform safely and reliably. It was only after the standard was proposed, however, that industry detailed their concern that laboratory testing alone would probably be insufficient to ensure a safe, reliable product.

As described at the June 27, 1980 public meeting of Commission staff with industry representatives, the industry believes that manufacturers of new products depend on technical information gained during field testing. The process of field testing consists of manufacturers selling the product as usual to distributors and retailers. The manufacturer expects that the distributors and retailers who sell products for field testing would represent all the geographic areas of the market; in addition they would hope that the consumers represent a cross-section of typical users of unvented gas-fired space heaters. The heaters would be placed in homes where they could be traced by the manufacturer. Questionnaires on aspects of operation would be supplied. Gas suppliers would be informed. Spot visits would be made so that any problems could be noted and categorized.

A manufacturer present at the June 27, 1980 meeting advised of his plans to place several ODS-equipped heaters in employees' homes in February 1981, after certification of these products by AGA. He observed, however, that in the south where his plants are located and his heaters predominantly sold, winter may be mostly over by the end of February. Thus, he would not expect tests for a possible 4–5 week period in a few employees' homes to provide a true test of a regular season's use. This manufacturer believes that his products should be used in as many as 500 homes by ordinary consumers for a longer part of the season in order to learn what technical problems occur and whether nuisance shutdown is a significant occurrence. Such information would be evaluated by technical experts and appropriate changes arranged in design and production.

(As noted in Part F. COMMENTS ON PROPOSAL, other nonindustry commenters also expressed concern that this product, containing an ODS component never before used on U.S. heaters, be adequately tested. As described below, the Commission shares this concern and therefore has decided to provide time for full field tests. The Commission will be interested to learn how the full field tests progress.)

The full field test of 1500 heaters would begin with the onset of the heating season, November/December 1981. Ongoing evaluation of these full field tests as well as the limited field tests of February 1981 would permit any needed modifications to be made concurrently with the beginning of the February 1982 manufacturing cycle.

Production cycle

The usual production cycle for unvented gas-fired space heaters can be expressed in terms of the calendar year. In the first quarter of the year, manufacturers plan for and begin production, usually based on orders received the previous summer. Actual production usually begins late in January or early in February and is generally completed in early June. Distributors and retailers generally order and stock these products in the third quarter; consumers buy heaters in the fall of the fourth quarter.[3]

An effective date for a standard that falls in the middle of the regular production cycle would disrupt manufacturing and related commercial practices of the industry. Thus, a reasonable effective date that would entail minimum disruption of commercial practices would coincide either with the beginning or end of the manufacturing cycle. For unvented gas-fired space heaters this could range from early June, the end of the manufacturing year, to late January or early February, the beginning of the next manufacturing cycle. Information from manufacturers indicates that the start of the manufacturing season has a 4–6 week leeway period so that manufacturing could begin as early as January or as late as just past mid-February (32G–3).

Conclusion

Section 9(d)(1) of the CPSA provides that a consumer product safety rule is to take effect no more than 180 days from the date it is issued unless the Commission finds good cause to determine that a later date is in the public interest and publishes its reasons for so finding.

On the basis of the discussion in this Part E, the Commission concludes that testing of a product such as an unvented gas-fired space heater with the new ODS component should include adequate field testing as well as laboratory testing and that the field testing should begin in several hundred homes at the start of a heating season.

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[3] This summary of the production cycle is based on information supplied over the course of this proceeding to Commission staff by manufacturers and others involved with the unvented gas-fired space heater industry and has been used in materials disseminated to the public (2E, 29, 32F). Contrary comments on the proposal or otherwise have not been submitted. However, an August 26, 1980 phone conversation between a CPSC staff member and a representative of a manufacturer of unvented gas-fired space heaters suggests that this particular manufacturer may continue production past June of the calendar year (35). The manufacturer's representative declined to discuss the extent of any production that might take place after June; nor did he express any need for a different effective date. Since this manufacturer, among others, recently went through a year of no production and another year of severely curtailed production without any documented adversity, current information indicates that ceasing production of non-ODS heaters by mid-June rather than a later date in 1981, would present no significant adverse impact to this firm.

Based on the facts described above, the Commission finds that it is technologically practicable for ODS devices, suitable for use with U.S. made heaters, to be installed for testing on such heaters by February, 1981 for limited field tests of 4–5 weeks. Following full field testing and necessary modifications made during the 1981–1982 heating season, the Commission expects that ODS-equipped heaters can be ready for full production during the manufacturing period beginning about February 1982, and will be in retail stores in the fall of 1982 for the 1982–83 heating season. An effective date of June 15, 1981 will avoid disruption of usual manufacturing practices in the spring 1981 manufacturing season. By the effective date, June 15, 1981, manufacture of unvented gas-fired space heaters will probably have ceased for 1981; manufacturing will not begin again until January or February of 1982. Establishing an effective date of June 15, 1981, will thus permit full field testing, and yet provide adequate advance notice of the final regulation before production begins again in about February 1982. Therefore, in view of: information in the record on the technological practicability of ODS-equipped heaters; the need for full field testing to help assure effective and reliable operation; the need to avoid disruption of the manufacturing cycle; the need for a regulation to be effective as soon as possible to help reduce the unreasonable risk of injury associated with unvented gas-fired space heaters, the Commission finds there is good cause and that it is in the public interest to establish the effective date of this standard as June 15, 1981.

Stockpiling

Section 9(d)(1) of the CPSA provides that a consumer product safety rule applies to products manufactured after the effective date of the rule. The Commission is concerned that the manufacture of unvented gas-fired space heaters not equipped with ODS be kept to a minimum until the effective date. To help avoid circumvention of the purpose of the rule, section 9(d)(2) provides that the Commission may issue a stockpiling rule. As defined in section 9(a)(2), stockpiling means manufacturing or importing a product between the date a rule is issued and its effective date at a rate which is significantly greater than a rate at which the product was manufactured in a base period determined in the stockpiling rule.

To carry out the purpose of section 9(d)(2), elsewhere in this issue of the **Federal Register**, the Commission proposes a stockpiling rule intended to take effect as a final rule before manufacturing of this product begins in Jan./Feb. 1981. This would mean that excessive production of unvented gas-fired space heaters that do not contain ODS would be prohibited between the date that the standard is issued and June 15, 1981, the date it is to take effect, thereby avoiding marketing of excessive numbers of unvented gas-fired space heaters without ODS, and helping to reduce the hazard of CO poisoning associated with such heaters.

F. Comments on Proposal

In accordance with section 9(a)(2) of the CPSA (15 U.S.C. 2058(a)(2)), the proposal published on January 18, 1980 (45 FR 3762) provided interested persons with an opportunity to make oral presentations of data, views or arguments on the proposed standard, as well as a 60-day period to submit written comments. Four persons representing the unvented gas-fired space heater industry presented testimony before the Commission at a public meeting held on March 10, 1980 (30). In addition, written comments were received from 56 persons or organizations; these commenters included manufacturers of unvented gas-fired space heaters, a manufacturer of gas control devices, 2 gas distribution companies, 4 trade associations, 5 professional persons associated with building code or local governments, and 44 other interested persons, companies and organizations (31).

The principal issues raised by all the comments, the Commission responses to them, and any changes that may have resulted are discussed below under the section headings of the standard to which they apply.

Product Title of Rule

A commenter notes that the product to be regulated is referred to in the trade as an "unvented room heater", whereas the proposed standard terms the product an "unvented gas-fired space heater". He suggests, therefore, that the product covered by the standard be termed "room heater" rather than "space heater".

As described in Part B, Background, Commission interest in this product dates back to an early petition, CP 74–10, received from the Missouri Public Interest Research Group on January 10, 1974, which requested Commission regulatory action for all space heaters—those powered by electricity, as well as by solid and liquid fuels, and by gas. During this entire period, the phrase "space heater" has been used by the Commission in its contacts with the industry and the public; no request was made during this period to change the characterizaton of the product. The phrase "space heater" is present throughout Commission files and in information formally and informally disseminated to the public on this topic. To change the description to "room heater" at this juncture could introduce an element of confusion in the public mind about the kind of product being regulated. Since the commenter submitted no information to indicate that the phrase "space heater" is not clear, and in order to avoid the possible confusion that a name change could entail at this time, the Commission declines to adopt the term "room heater" in place of "space heater".

Another commenter states that the proposal describes a pilot flame safety shutoff system and that the standard should be so titled rather than referring to an oxygen depletion safety shutoff system. The Commission disagrees. As the commenter indicates, a pilot flame safety shutoff system will shut off the main gas supply when the pilot light goes out from any cause such as a sudden air shift or malfunction, or other temperature-lowering factor. However, the pilot flame safety shutoff system is not generally sensitive to oxygen changes in the surrounding atmosphere and could not shut off the gas supply when oxygen depletion reaches 18% as can the ODS. The ODS resembles an ordinary pilot safety shutoff system, but with ODS, oxygen depletion is the causative factor in gas cutoff rather than pilot flame temperature; pilot flame temperature is only one link in the chain of events leading to gas cutoff. Consequently, the Commission declines to modify the title of the rule. However, because ODS is a form of pilot light, consumers could be confused as to whether the standard applies to pilot lights other than ODS. Therefore, the permanently-affixed, cautionary label that describes, for consumers how the ODS works, refers to the ODS as a "Federally-required pilot light safety system", (see discussion of labeling requirements under Part D, Technical Considerations).

Scope and Purpose of the Standard—Section 1212.1

This section provides that the only hazard addressed by the standard is that of CO poisoning. Nevertheless, a technical commenter believes that the rule should either be expanded to include other safety requirements associated with performance and durability of the heater, or state on the label that the product does not meet other voluntary standards. This commenter suggests that ODS function is closely related to performance and durability of the heater.

Commission staff have closely followed the upgrading of the voluntary standard for unvented gas-fired space heaters. Since 1977, the staff notes, for example, that testing is more stringent and that there are requirements in the voluntary standard for fixed orifices and for components such as pressure regulators which could help the ODS function as intended. Provisions for shields and guards may also help to address any burn hazards that may be associated with this product. However, the Commission has determined that while there may be hazards from burns or fires (5) only the hazard of CO poisoning should now be regulated. Further, the proposed standard addresses only high levels of CO that can be produced by unvented gas-fired space heaters in areas of inadquate ventilation. While other parts of the voluntary standard may affect the performance of the product, only the ODS protects against the hazard of CO emissions by shutting off the gas supply when oxygen is depleted to the degree specified in the standard. Consequently, the mandatory standard provides only for the ODS and does not include other provisions of the ANSI standard.

The Commission reiterates the view that a well built product contributes to safety. Therefore, as stated in the proposal, "to help ensure the quality of the entire product, manufacturers are encouraged to adhere to customary good manfacturing practices for their products such as may be needed to ensure that the products would be generally acceptable under state and local building codes". Should it be shown in the future that the product presents hazards not covered by this standard, and that such hazards are substantial, the Commission can consider other action at that time such as action under section 15 of the CPSA (15 U.S.C. 2064) relating to substantial product hazards.

On the matter of informative labeling relating to the extent of conformance to parts of the voluntary standard not included in the mandatory standard, this commenter could consider requesting manufacturers voluntarily to label their products as to the extent of product conformance to the voluntary standard. It would not be appropriate for the Commission to require that manufacturers label their products as to their conformance with voluntary standards since the Commission has no control over the voluntary standards and has not evaluated them to determine whether such labeling would be helpful. Mandatory labeling under the standard relates only to ODS-related messages and certification of compliance to Commission requirements.

Effective Date—Section 1212.2

This section of the proposal provided that all unvented gas-fired space heaters manufactured or imported after December 30, 1980 were to be equipped with an ODS. Although, as discussed in the preamble to the proposal, an ODS has been used thus far on European but not on American products, information from gas controls manufacturers indicated that the proposed effective date was realistic and technologically attainable. At the time the standard was proposed, CPSC staff expected that a European controls manufacturer would be ready to ship to the U.S., ODS systems suitable for U.S. unvented gas-fired space heaters.

Extensive comments on the proposed effective date were received from representatives of the industry who have been actively working towards development of an ODS for American products. The comments did not question the adequacy of technology to provide ODS-equipped heaters or the capability of ODS to protect consumers from oxygen-depleted atmospheres. Rather, the problems presented by these commenters describe additional time needed to apply ODS to U.S. heaters and time to place ODS-equipped heaters into representative homes for typical seasonal use prior to engaging in full production. In general, the commenters believe that the proposed effective date cannot be attained. Reasons given fall into two broad classes described below—non-availablility of the ODS at this time because of technical problems, and the need for field testing.

Availability of ODS. At the time the standard was proposed, information available to the Commission indicated that the ODS would soon be ready for the U.S. market. However, based on comments to the proposal and other information, the Commission has learned that development of the ODS for U.S. heaters has been delayed. For example, a U.S. gas controls manufacturer who was making significant progress at that time toward development of an ODS suitable to U.S. heaters subsequently ended the development effort. A French ODS manufacturer was preparing to submit an ODS to AGA for testing in late 1979. However, this was delayed because of technical problems related to avoiding lint and dirt buildup and providing means to avoid use of flash tubes; the French ODS was submitted in mid-March.

Field testing. The *primary* reason for not being able to meet the proposed effective date is the necessity for field testing unvented gas-fired space heaters equipped with ODS, according to comments from manufacturers and their trade associations. The commenters state that field tests will help surface problems not foreseen under controlled laboratory testing conditions, and enable manufacturers to make necessary design changes before going into full-scale production. During field testing, ODS-equipped heaters would be installed in residences in areas with differing conditions, such as different altitudes and availability of varying fuel compositions. The most important problem to be solved during field testing under varying conditions of use, they believe, is the matter of nuisance shutdowns. Such unnecessary shutdowns in this product could occur when the oxygen level is higher than the 18% minimum shutdown required in the standard thus needlessly losing heat. Industry experience leads them to believe that consumers will try to reactivate the heater by bypassing the ODS. Concern over bypassing the ODS was also expressed by others, including a commenter associated with the fire department of a city in New York State; he favors extensive testing to assure that consumers will not experience nuisance shutdowns.

A U.S. controls manufacturer favors a large-scale field test of 1500 heaters equipped with their ODS. The manufacturer would expect that such closely-monitored field tests, begun at the start of a heating season, would provide whatever information is necessary to reveal and help resolve technical problems in advance of full-scale manufacture. According to the schedule presented, this manufacturer, does not expect to have a functioning ODS in full production until late 1981; if field tests of the entire product are carried out for a full season, it would mean that production heaters would not be manufactured for another year.

In sum, the commenters state that technical problems have caused delay in the development and application of ODS. This factor and the industry's conclusion that extensive field testing of ODS/equipped products must be undertaken in advance of full-scale manufacture of these products, are the reasons they believe the proposed effective date cannot be met.

The Commission carefully considered these views in arriving at its determination, fully discussed in Part E, EFFECTIVE DATE, that this standard is to take effect on June 15, 1981.

Exclusions From Rule—Section 1212.4

The products subject to this rule are unvented gas-fired space heaters as defined at § 1212.3(t). This section describes several types of these products and defines unvented gas-fired space heater as a self-contained, free-standing or recessed, gas-burning appliance which furnishes warm air to the surrounding or adjacent living space by gravity convection, fan circulation or radiation directly from the heater and without duct connections, and which discharges combustion products such as carbon monoxide, carbon dioxide and water vapor directly into the heated space. Several comments were received on products which are excluded from this definition.

General. A commenter states that any inexpensive alternative for unvented gas-fired space heaters, such as gasoline or kerosene heaters or catalytic and non-catalytic camping heaters should conform to the voluntary standard for unvented gas-fired space heaters; also that such alternatives should not be excluded from the proposed rule. Another commenter believes that infrared heaters should not have been excluded from the proposed standard since they are used in school gymnasiums and recreational facilities.

The Commission observes that the proposed standard addresses the hazard of CO poisoning that can occur when unvented gas-fired space heaters, generally used in residences, receive inadequate ventilation. Therefore, exclusion from the proposal of infrared heaters used in school gymnasiums, or camping heaters, which do not receive the kind of continuing use as unvented gas-fired space heaters, is appropriate. The commenter submitted no information concerning heaters fueled by gasoline or kerosene to warrant modification of these exclusions.

Gas logs. Section 1212.4(b) of the proposed standard excludes decorative gas appliances such as gas logs, artificial coal baskets and other fireplace inserts. The items were excluded because they are generally used in vented fireplaces where the risk of CO poisoning is minimal. A manufacturer comments that his firm produces a product which combines gas logs with a nonvented fireplace. He believes this product meets the definition of unvented gas-fired space heater in the proposed standard. Further, ANSI is considered classifying this combination product within its room heater voluntary standard.

The Commission notes that the rationale for excluding decorative appliances such as gas logs from the proposed standard was that such an appliance is usually placed in a fireplace and fireplaces are vented to the outside. Thus, the products of combustion, including any CO that may be emitted are discharged away from the inside living area. However, where a decorative appliance is used in combination with a non-vented, free-standing, simulated fireplace or similar unvented enclosure, the combined product meets the definition of unvented gas-fired space heater found at § 1212.3(t) below in that it discharges combustion products such as carbon monoxide, carbon dioxide and water vapor directly into the heated space; thus it is covered by the standard. Therefore, a manufacturer or importer who markets such a combination product is subject to all the requirements of the standard. Although this is a newly-clarified point, the Commission observes that the general definition of unvented gas-fired space heater is broad enough to encompass this or similar products that meet the definition.

Section 1212.4(b) is modified to indicate that the exclusion does not apply to decorative gas appliances that are combined with unvented enclosures.

Requirements for ODS—Section 1212.5

Each unvented gas-fired space heater is required to be equipped with an oxygen depletion safety shutoff system (ODS) capable of shutting off the gas supply to the heater when oxygen in the surrounding atmosphere is depleted to less than 18%. To help obtain measurements that apply only to ODS, this section also explains, parenthetically, that gas shutoff at 18% oxygen in the test room must be initiated primarily by lack of oxygen and not by other phenomena present in the surrounding atmosphere, such as temperature or CO.

A commenter points out that since all known types of ODS are sensitive to temperature, this factor cannot be ruled out. Further, he suggests that an ODS, tested as required by the standard, will perform its function as intended so it is not necessary to say that the ODS must be actuated only by oxygen depletion.

The Commission is aware that ODS devices are sensitive to temperature. However, to ensure that the ODS functions to detect a hazardous atmosphere, the cautionary explanation was added. The Commission believes that this explanation clarifies the requirement and that it must be retained. However, to make it clear that the standard recognizes that other phenomena are present, the word "primarily" as italicized below, is added to the explanation to acknowledge the presence of other phenomena. The parenthetical explanation now reads,

> (The system shall depend primarily on lack of oxygen for activation and not *primarily* on other phenomena in the surrounding atmosphere such as temperature or CO concentration.)"

This change is also made in § 1212.3(n) of the standard which contains the definition of ODS.

Test Equipment and Procedures—Section 1212.6

This section describes the test equipment and procedures to be used by the Commission to evaluate the shutdown performance of ODS-equipped heaters; these provisions are primarily from the ANSI voluntary standard. In making nonmaterial modifications to the ANSI standard (as provided under section 7(c)(2) of the CPSA), certain parts of the ANSI standard were modified or deleted; rationales for such modifications were described in the proposal. In general, the proposed standard includes only those portions of the ANSI standard that are applicable to operation of the ODS. For example, the ANSI standard defines "input rating" (the amount of heat contained in a gas); however, input rating is not covered in the standard because it does not affect how the ODS addresses the CO hazard. Or, where sections of the ANSI standard are used to test parts of the combustion system other than the ODS, the proposed standard excluded them.

Comments from industry trade associations indicate their belief that some of these modifications could add needless burdens to the testing procedures.

Air circulation. The Commission proposed in § 1212.6(a)(6) that the atmosphere in the test room must be evenly mixed and not interfere with the operation of the heater being tested. The reason for this provision is to obtain meaningful test results from any part of the test room. This section also proposed for this purpose that in a 1,000 cubic foot test room, a fan or blower with a discharge capacity of 320 cubic feet per minute (cfm) must be used.

A commenter remarks that it is unnecessarily complicated to require a 320 cfm fan for the purpose of mixing air in the test room without affecting appliance operation. He states that this purpose can be accomplished in other ways such as by using a number of smaller-velocity fans. Further, he states that the method used should depend on other variable factors such as room geometry and heater design.

The Commission observes that the essential part of this section is the requirement that the atmosphere of the room be evenly mixed and not interfere with the operation of the heater being tested. The requirement that air be evenly mixed helps assure that the measurement of oxygen level in the room is accurate. This also means that an oxygen level measured in one laboratory test room can be expected to be equivalent to the same measurement of oxygen level at other laboratories if proper temperature and pressure corrections are made there. If temperature measurements taken at different locations in the test room show wide variations, it would be necessary to mix the air more thoroughly until it is sufficiently mixed to show approximately equal temperatures in the different locations. However, the way the appropriate air mix is attained is not material. Accordingly, the Commission modifies § 1212.6(a)(6) of the proposed standard by deleting the last two sentences dealing with the requirement for a specific size fan. In this way, a restrictive equipment requirement is replaced by a less restrictive performance requirement while ensuring proper mixing of the atmosphere in the test chamber. Therefore, an addition is made to § 1212.6(a)(6) to provide that air temperatures measured by thermocouples at five different locations in the test room may not show a variation greater than 5° F. This figure of a permissible variation of 5° F has been selected based on discussions with laboratory technicians whose observations and experience in testing indicate that a 5° F variation would be expected to yield approximately equivalent results (32–D–2). In addition, to ensure that the air temperature measurements are not being affected by heat radiating from the heater's surface, the thermocouples must be shielded.

Temperature and warmup requirements. Industry commenters believe that the differences between these two factors in the ANSI provision and the proposal's provisions are burdensome and do not provide additional information to the test results.

As to temperature in the testing room, ANSI provides that the temperature must range between 75°F and 85°F. In order to be less restrictive, § 1212.6(a)(4) of the proposed standard provided that the temperature can range between 60°F and 80°F. Notwithstanding this wide permissible temperature range, the proposal also indicates that room temperature is not a critical factor in the test because the results are corrected to 70°F regardless of test conditions.

In the case of warmup requirements, ANSI provisions call for a 15-minute warmup period for the heater before closing the room and proceeding with combustion testing (such combustion testing is not part of the proposed standard because the proposed standard deals only with ODS). Section 1212.6(b) of the proposed standard, since it is concerned only with ODS, omitted the warmup period and provided that testing begin as soon as the heater is properly placed in the test room—a cold start test. Information available at the time of the proposal indicated that testing for the ANSI standard could proceed at the same time as testing for ODS.

The industry commenter advises that if a cold start is required for testing ODS, ANSI testing could not be concurrently performed. Commission engineers advise that testing of ODS in a preheated test room would not affect the oxygen cutoff point and therefore would have no impact on the results of the test. Further, information from tests of four unvented gas-fired space heaters performed with both cold and hot starts show insignificant minimal CO production involved in hot starts. This indicates that similar protection against CO is provided in a warm test room as in a cold one (32 D–1). Thus, the Commission has no objection to performing ODS testing in a preheated test room.

Therefore, upon further consideration, the Commission concludes that the testing provisions of the proposed standard concerning temperature range and warmup time could have the effect of adding to the expense of testing for manufacturers without adding any information to the test results; to retain these parts of the proposal could mean that a manufacturer, in effect, would test the heater twice—once to comply with the mandatory standard and again in conformance with the voluntary industry standard. Since the safety of the product is not adversely affected and in order to have the CPSC and ANSI procedures coincide more closely, the Commission modifies the appropriate parts of § 1212.6. The permissible temperature range for ODS testing in the rule below is between 65° and 85° to accommodate and the ANSI requirements while maintaining less restrictive limits of temperature; the warmup period of 15 minutes is permissible.

Gas variability. Section 2112.6(b) of the proposed standard provides that tests of ODS-equipped heaters are to be conducted using the type of gas for which the heater is designed to be used, as designated by the manufacturer. Eight gases and some of their characteristics are described in this section; these are the same test gases described in the ANSI voluntary standard. For heaters using natural gas, however, the proposed standard provided for testing not only with natural gas but also with butane-air, a composition to represent fast-burning gas. Requiring tests with two gases for natural-gas heaters was intended to account for the possibility that many different natural gases would probably be supplied for consumer use. Information from industry and from the Natural Bureau of Standards (NBS) at the time of proposal indicated that testing natural gas heaters with both butane-air and natural gas could demonstrate that the heater is capable of operating on a variety of natural gases. Thus, this provision for testing natural gas heaters with two gases was responsive to CPSC concerns about the effects gas variability might have on ODS function and whether different gases could result in unacceptable levels of CO production.

Information set forth by several industry commenters in response to the proposal advised that variability among gases supplied by gas distributors to consumers' homes is greater than is currently accounted for by the natural gas and butane-air required in the proposed standard. This indicated the possibility that the list of gases for testing in the CPSC standard, might have to be expanded to determine how ODS would function with different gases. The commenters believe, further that the gases identified in current voluntary standards for testing any gas appliances do not accurately reflect the variety of natural gases now being supplied to residences all over the U.S. AGA, the testing laboratory which certifies whether gas appliances meet applicable requirements of voluntary standards, believes that current ANSI provisions concerning variability of gases, are not adequate for ODS testing. Therefore the AGA laboratories, in addition to using the ANSI test requirements for ODS-equipped heaters, also use their own desk standards for testing these products. These desk standards provide for testing with gases that better represent the wide variety of gases now being provided by gas suppliers.[4]

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[4] To categorize the variety of gases, an ANSI Task Force on Operating Flexibility for Appliances Using Natural Gas solicited information from the gas

Footnotes continued on next page

The first information on testing with different natural gases submitted by a commenter concerned tests performed in France in late 1979 by a French gas controls manufacturer (32 D–1). For these tests, 3 U.S. heaters were equipped with the French ODS and tested in a sealed room with four different gases.

The tests showed that gas shutoff for different gases occurred at different levels. For example: Using flashback (fast burning) gas, shutoff occurred at 1.7 percentage points lower than shutoff when using adjustment (average or standard) gas; this indicated that an ODS on a heater manufactured to shut off at 18% when burning natural gas, would shut off the gas supply at 16.3% oxygen when burning flashback gas. Using lifting (slow burning) gas, shutoff occurred at .8 percentage points higher than shutoff when using adjustment gas; this indicated that an ODS on a heater manufactured to shut off at 18% oxygen would shut off the gas supply at 18.8% oxygen when burning lifting gas.

With this information, the technical staff considered whether it might become necessary to expand the list of gases in the rule used for testing; such consideration was delayed, however, in view of advice from AGA that results from another set of tests on various gases were expected in the early summer of 1980. AGA comments advised that a series of tests were to be conducted on representative unvented gas-fired space heaters to determine the effects of variation in natural gas composition on production of CO from these heaters. Accordingly, in over 40 tests, four or these heaters of nominal BTU outputs 22,000 to 40,000, from four different manufacturers were tested by AGA in a sealed room with five different kinds of natural gases (32 G–2).

Unlike the French tests, the heaters tested by AGA were not equipped with ODS. Rather, these tests were to determine the propensity of heaters to emit CO at given measurements of oxygen. Measurements of CO were made for each of the gases at 18% oxygen and at less than 18% oxygen until lack of oxygen shut off the pilot light completely. Among the fast-burning flashback gases used in the tests, was butane-air. The AGA tests provided information that butane-air behaves as do other stable, fast-burning gases. In general, the AGA test results indicate that stable, fast-burning gases were also clean burning gases and thus tend to produce less CO than do less stable lifting or adjustment gases.

The results of the AGA tests were provided to Commission staff by AGA at a public meeting on June 27, 1980 (32 G). The AGA tests show that variations in gas do not appreciably affect CO production at 18% oxygen since the CO accumulations at that point were in a range that presented no acute hazard. The CO produced when oxygen was measured at 18% varied from 5 ppm to 63 ppm, figures which indicate that the heaters tested would produce CO levels during use which would be well below the level that could result in symptoms of acute CO poisoning, (see table 1). The AGA tests also indicate that CO production does not increase appreciably whether oxygen is depleted to 18% (for adjustment gas), or to 16.3% (the estimated cutoff for flashback gas). In addition, CPSC engineers estimated that cutoff would occur at 16.6% oxygen when butane-air is burned, and the AGA tests showed no significant increase in CO at this point.

CPSC engineers evaluated these AGA test results, other information submitted by technical commenters concerning the French tests described above, and reviewed, in depth, the earlier NBS tests of ODS (11, 12). Upon careful consideration of all the available information on testing ODS-equipped heaters with a variety of natural gases, the Commission finds that: An ODS-equipped heater required to shut off gas supply at 18% oxygen when using the natural gas defined at § 1212.6(b) of the standard, would not produce significantly increased CO accumulations when burning any other natural gases as represented by the "limit" gases described above, which may shut off the gas supply above or below 18% oxygen; nor would CO production be significantly increased when burning butane-air. This suggests that notwithstanding the fact that many different natural gases were supplied by gas distributors, it would be necessary to test ODS with only a representative natural gas rather than with two or more gases, because the different gases do not appear to be significant factors in CO production. Thus, the Commission will not add other gases to the standard for testing. Since the AGA tests indicate that the acute hazard of CO is not appreciably increased as a result of using a variety of natural gases, testing with the natural gas specified in the standard (an adjustment gas) is therefore sufficient to represent the variety of gases currently available. The Commission concludes, therefore, that notwithstanding the variety of natural gases, CO formation with any natural gas does not vary sufficiently to require testing, at this time, of natural gas heaters with any gas other than the natural gas specified in the standard. The Commission also concludes that since information on slow and fast-burning gases shows no substantial differences in CO production at shutoff for any of the gases, including butane-air, there is no point in continuing the requirement for testing natural-gas heaters with fast-buring butane-air as well as with natural gas. Consequently, the requirement of the proposed standard is changed; § 1212.6(b) below, now provides that testing of natural-gas heaters is to be performed only with the natural gas defined in that section.

The Commission observes that the gas supply industry is now in a state of flux and that all the effects of gas variability on gas applicances, including ODS-equipped unvented gas-fired space heaters, may not yet be known.

At this time, the Commission is persuaded that testing of ODS-equipped natural-gas unvented gas-fired space heaters is adequate without requiring that they be tested with butane-air. However, in order to be kept advised on whether new developments concerning gas variability might affect the performance of ODS, the Commission staff will maintain close contact with appropriate representatives of the gas appliance and gas supply industries in order to maintain up-to-date knowledge on gas variability. If additional knowledge about gases should indicate that ODS might not be able to function as intended, the Commission would consider what other regulatory steps may be needed, including amendment of the standard.

The Commission recognizes that (a) with deletion of the requirement for

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Footnotes continued from last page transmission and distribution industries for current and future gas supplies. (ANSI Task Force reports generally formulate recommendations which can eventually lead to changes in ANSI voluntary standards.) The Task Force has been evaluating a wide range of natural gases in order to describe those that represent the boundaries within which practically all natural gases supplied to American homes, could be classified; these are known as"limit" gases. The "limit" gases used to test ODS under the AGA desk standards are classified according to their chemical content and are described by their burning characteristics as follows: (1) The slowest burning gas is described as a "lifting" gas because flame propagation speed is less than the speed of the flammable mixture exiting from the heater ports; thus the pilot flame tends to lift off the heater. (2) The fastest burning gas is known as "flashback" gas. Its flame propagation speed may exceed the speed of the flammable mixture exiting from the heater ports; thus the pilot flame tends to flash back inside the heater. (3) Yellow-tipping gas. This characteristic indicates that the gas is not being completely burned. (4) Adjustment gas—this represents a type of average or standard among the extremes of slow, fast and yellow-tipping gases. (The natural gas described at section 1212.6(b) of the standard in terms of Heating Value, Specific Gravity and Ultimate CO_2 instead of by chemical composition, closely resembles an adjustment gas.)

testing with butane-air, the standard issued is not precisely the same as that proposed, and (b) the decision to make this change as well as to not expand the list of test gases in the standard to account for the variety of gases was based, in part, on information obtained after the standard was proposed. Nevertheless, the Commission concludes that this action is appropriate and justified since the change itself will not significantly impact the regulated industry or compromise the safety and utility of unvented gas-fired space heaters equipped with ODS. Moreover, the information used for this analysis, while not formally available at the time of proposal, has been obtained either during the comment period itself or subsequent to it in public proceedings available to interested persons.

Gas inlet pressures. The proposed standard provided for ODS testing at normal gas pressures but made no provision for testing at other than normal gas pressures because testing at the National Bureau of Standards has indicated that the ODS is relatively insensitive to inlet gas pressures. Industry commenters on this issue believe, however, that ODS can be significantly affected by inlet gas pressures. Therefore, they recommend inclusion in the rule of provisions from the ANSI voluntary standard that require testing of the ODS at both reduced and increased inlet test pressures.

Upon further consideration, the Commission concludes that inlet gas pressure tests can provide valuable test information for a variety of gas pressure situations not readily apparent when the small sample was tested at NBS in 1978. At this time, industry advises that gas pressures now available for home appliances can vary widely. Measurements of gas pressure in homes by utility company service personnel show that normally the gas supply pressure to appliances ranges between 6 and 8 inches H_2O. (Seven inches H_2O is equivalent to .25 pounds per square inch.) Also, such measurements show that the extremes of pressure variations are 3.5" H_2O to 11" H_2O. A pressure regulator to control the gas pressure to the ODS, can control the upper limit and permit the ODS to perform its function notwithstanding the wide variation in gas pressure supplied. (32 D–1).

A U.S. gas controls manufacturer advises that his ODS is particularly sensitive to gas pressure and that he is considering inclusion of a pressure regulator.

These comments indicate that gas pumped into homes can be under different pressures and the ODS devices now in existence are sensitive to these differences in inlet gas pressures. The Commission concludes that test information which considers these varying pressures would be beneficial. Therefore, the Commission modifies the rule below accordingly. Section 1212.6(c) requires that ODS be tested at both the reduced and increased inlet test pressures provided for in the ANSI standard. This section also includes the table on reduced, normal and increased pressures for various gases that appears in the ANSI standard.

In deciding to include this modification, the Commission also considered that it would present no additional testing burdens because these tests are already performed to satisfy other requirements of the ANSI standard; thus manufacturers who follow good manufacturing practices would already be conducting such tests. Both the American and the French gas controls manufacturer indicate that pressure regulators may be applied to their ODS to take account of the wide variations in gas inlet pressures that are to be expected. In addition, these manufacturers indicate that, as part of good manufacturing practices, they plan to test their ODS with reduced and increased gas pressures. The Commission concludes that since controls manufacturers intend to have these inlet pressure tests performed, inclusion of reduced and increased gas pressure tests in the standard below will not adversely affect these manufacturers. Rather it would encourage manufacturers new to ODS production to adhere to good manufacturing practices.

Labeling—Section 1212.8

The ANSI label for unvented gas-fired space heaters that is the basis for the label in the proposed standard, provides for prominently displaying the word "warning", and states that ventilation must be provided. When applicable, the ANSI label would state that the heater is equipped with an ODS. The label in the proposed standard provides, in addition, the reason for warning that ventilation is needed—the hazard of CO poisoning. In addition, the label in the proposed standard also briefly describes what the ODS is and how it works to protect against CO poisoning.

Several commenters still prefer the ANSI label wording which specifies a minimum "fresh air opening" depending on output size of the heater rather than the proposed label's suggestion to "open a window an inch or two for fresh air". These commenters suggest that information in the proposed label which advises that ODS turns off the heater, could give a false sense of security.

The Commission considers that the proposed label's wording on opening a window for fresh air helps give a positive, easy-to-understand way of advising the user to get fresh air, and the advice is given immediately after describing the reason that fresh air is needed—to avoid CO poisoning associated with the product. Therefore, the warning is clearer and more readily understood than the ANSI label. Similarly, advice on what the ODS does and how to care for it, is information that can help the consumer to benefit from the product and not misuse it. Therefore, the Commission declines to modify the label as these commenters suggest.

In this regard, the Commission is gratified to learn in the comments from a trade association spokesman, that the principal manufacturers of unvented gas-fired space heaters are preparing to use the CO warning language of the label in the proposed standard for heaters, even before an ODS is available (31).

Part D of this preamble, TECHNICAL CONSIDERATIONS contains additional discussion of labeling. Also discussed there are several editorial and similar modifications in the label issued at § 1212.8 of the rule below. These changes are not substantive in nature and were made for purposes of clarification.

Certification of Compliance—Sections 1212.21, and 1212.22

The proposed standard provides, in accordance with section 14 of the CPSA (15 U.S.C. 2063) that manufacturers whose products are subject to the standard must certify that their products comply with the requirements. This certification by the manufacturer is to be based on a test of each product or on a reasonable testing program. The proposed standard requires among other matters, that the certification be permanently affixed to the product and that the certification include a way of identifying the manufacturer.

Reasonable testing program. In describing the test requirements of the proposed standard, the Commission noted that the test is fairly simple and easy to conduct and does not impair the product. Thus, manufacturers can test each product or the test can be used as a basis for a reasonable testing program. The Commission did not define what a reasonable testing program for this product would be on the grounds that manufacturers of gas appliances have had considerable experience in being responsible for testing their products.

Generally, gas appliances must meet certain building code requirements before being eligible for installation in residences. Many of these building codes require that gas appliances such as unvented gas-fired space heaters be certified by a qualified testing laboratory.

Two commenters suggest, however, that the Commission should either specify its own reasonable testing program or the ANSI testing program for this product. The commenters provided no information to indicate that it is necessary to specify a reasonable testing program. Upon further consideration of these comments, the Commission reiterates the conclusion set forth in the proposed standard; the Commission anticipates that manufacturers who adhere to good manufacturing practices including testing, to provide products that are generally acceptable under state and local building codes, could also certify that their products comply with the standard even though a reasonable testing program for certification purposes is not specified by the Commission.

Serial number. A commenter observed that the serial number of a particular unit is required on the proposed certification label and also by ANSI on its rating plate. The commenter believes that having the serial number appear twice is unnecessarily duplicative and creates needless expense for the manufacturer.

A unit serial number is not specifically required on the Commission's certification label. However, since the serial number could be used to provide the CPSC-required information on the month, year and place of manufacture, the Commission agrees with this comment. Therefore, § 1212.22(a)(2)(i)(C) is modified to provide that where marking plates in conformance with the ANSI standard contain information identifying the month, year and place of manufacture whether coded in a serial number or otherwise, it is not necessary to repeat this information for purposes of CPSC certification. The provisions that purchasers of the product have access to the name of the manufacturer whether coded or uncoded continues in effect.

Form of compliance certification. The proposed standard provided that the permanently-affixed label certifying compliance to the standard, carry the phrase, "meets CPSC requirements for ODS systems". A commenter is concerned that persons could be misled by this sentence and believe that such certification also means conformance with applicable voluntary industry standards for aspects of the heater not covered by the mandatory standard.

The Commission does not agree that the presence of this statement would cause local building code authorities or gas companies to ignore conformance with accepted voluntary standards. However, the statement may create some initial confusion. In order to avoid such confusion, the Commission modified the applicable parts of section 1212.8 and 1212.22 to combine the statement of certification and statement concerning ODS in the warning label. The combined statement (with certification portion underlined) now reads:

"This heater has a Federally-required pilot light safety system that turns off heater if not enough fresh air is available".

Other Comments

Withdrawal of the proposed rule. Several commenters associated with the unvented gas-fired space heater industry suggested that the Commission withdraw the proposed rule because it is unnecessary. Among the reasons given for this suggestion are that the voluntary standard provides for an ODS, and AGA which certifies conformance to the voluntary standard intends to require ODS for certification when the ODS is available for unvented gas-fired space heaters. These commenters state that local building codes will also require that these products be equipped with ODS. Another commenter suggests that a CPSC standard should not be issued because it could preempt state laws banning this product and create a higher degree of risk for consumers.

The Commission is aware that the voluntary industry standard for unvented gas-fired space heaters, ANSI Z21.11.2, contains a provision concerning ODS; the Commission used this ODS provision of the ANSI standard as the basis for the proposed standard. However, application of the ODS to U.S. heaters has not been completed; therefore, the industry certifying group, AGA, and state and local jurisdictions have not required manufacturers to conform with the ODS provision of the voluntary standard.

As a result of the Commission's continuing concern regarding the hazard of CO poisoning associated with unvented gas-fired space heaters, members of the industry have worked to develop ODS for these products. In its proposed standard, the Commission commended these efforts. However, at this time, ODS equipped heaters have not yet become available for the market. Accordingly, the Commission considers that it would be premature to base a decision not to issue the proposed rule at this time on the voluntary standard requiring ODS, and declines to do so.

The Commission is aware that many state and local jurisdictions have requirements concerning unvented gas-fired space heaters and that some jurisdictions prohibit their installation. The effect of the CPSC standard on these state/local requirements is discussed elsewhere in this preamble (Part J, Preemption). Basically, this standard would preempt state/local requlations addressed to CO poisoning from unvented gas-fired space heaters. The Commission does not agree, however, that a CPSC standard requiring ODS for unvented gas-fired space heaters can create a higher degree of risk for consumers than would state prohibition of this product. On the contrary, many commenters have expressed concern that if unvented gas heaters are banned consumers who are unable to buy them might use unsafe alternative heaters. For example, they might use vented gas heaters without providing flues for venting the products of combustion, including CO. Therefore, the Commission concludes that a standard requiring ODS for unvented gas-fired space heaters would result in reducing the risk of injury to consumers.

Safety of new heaters. Industry commenters believe that unvented gas-fired space heaters have undergone many improvements in safety features in recent years. An industry spokesman states that there have been no deaths, as far as he knows, from the use of unvented heaters complying with the current 1977 ANSI standard. A heater manufacturer also commented that heaters built since 1971 in conformance with ANSI standards are much safer than older heaters.

The Commission observes that of the approximately 8 million unvented gas-fired space heaters in use, probably a few hundred thousand, less than 5%, have been manufactured since 1977. Because of this small number, even if these new heaters held no safety advantage, few deaths would have been expected from their use to date. In addition, it seems reasonable that the risk of CO poisoning is positively correlated with age of the heater, regardless of safety design. Factors such as accumulation of dirt or grease, or mechanical malfunction, are more likely in older heaters and more likely to result in increased CO output. More time must elapse before an adequate assessment can be made of the safety advantages of newer heaters under real life conditions.

Another factor that industry commenters believe can result in a greater degree of safety, is a recently-proposed addition to the ANSI voluntary standard. This new requirement would provide a label that recommends against using unvented gas-fired space heaters in sleeping quarters.

According to the 13 CPSC in-depth investigations, 7 cases of CO poisoning did occur from heaters placed in bedrooms (32 E–1). Nevertheless, the projected effectiveness of a restricted-placement label cannot be known at this time. In addition, most of the market for these heaters is said to be for replacement (32 F). It would be unlikely that a consumer replacing an unvented heater that had been located in sleeping quarters would place it in a completely different space.

Increased prices. Several commenters expressed concern that the ODS-equipped heaters required by a mandatory standard would result in higher prices for consumers. Some of these commenters are concerned that these higher prices could result in consumers either using older units beyond their recommended life, or other forms of heat that could be dangerous to health. At the time the standard was proposed, Commission economists estimated, on the basis of information available from industry, that the additional cost to the consumer attributable to the addition of an ODS system would be from $5 to $17. An unvented gas-fired space heater of 25,000 BTU output not equipped with ODS retails for about $180. The likely price increase because of the standard requiring an ODS would, therefore, be less than 10% of the initial purchase price. Since the average life of a heater exceeds 20 years, the average cost per year to the consumer from the addition of ODS would be less than $1.00 per year. Such a price increase, therefore, should have little negative sales impact and should not cause consumers to use old heaters beyond their useful life.

A commenter pointed out that the Commission estimate of about $140 for a 25,000 BTU heater (a possible price mentioned in the proposal) was too low; that the real price was from $150 to $180. The Commission estimate was based on 1978 prices; by 1980 this price had risen to around $170 to $180. However, since ODS-equipped heaters were not available in 1980, none of this increase is due to a mandatory requirement for ODS.

A commenter noted that service costs for ODS-equipped heaters were not taken into account. He believes service costs would increase because of nuisance shutdowns although he submitted no data on this point. The Commission observes that it is difficult to arrive at a service cost estimate for a product not yet on the market; no trade association or utility company contacted by Commission staff could provide an estimate for service costs associated with use of ODS. The usual pattern for service calls for appliances using natural gas is that costs of service calls are rarely paid by customers on a per call basis. These are generally covered from total revenues collected for utility services. On the matters of costs for nuisance shutdowns, industry commenters believe that any problems involving possible nuisance shutdowns would be addressed during the period of field testing of ODS-equipped heaters, before these products are placed on the market (32 F).

Conformance to voluntary standard. The preamble to the proposal in which the Commission discussed how an ODS-equipped heater could obtain certification of conformance to the voluntary ANSI standard, also stated that certification by the American Gas Association (AGA) would mean that "the unit is suitable for use". A comment from the AGA notes that this statement is incorrect.

The Commission wishes to avoid any improper conclusions that may have been drawn from this statement. The Commission notes that a detailed discussion by AGA of the entire AGA certification process is part of the record of this proceeding and is available for review through the Office of the Secretary (25). A review of the AGA discussion indicates that the statement in the proposal is not so significantly different from the perception of the AGA symbol as a sign of a product suitable for use. The process of certification by AGA begins with voluntary submission by the manufacturer of a gas appliance. AGA laboratories test the gas appliance to determine whether it meets the applicable voluntary standard, usually a voluntary standard of the American National Standards Institute (ANSI). If the gas appliance testing is satisfactorily completed, the participating manufacturer obtains certification that the product tested conforms with the ANSI voluntary standard; the manufacturer may then attach the AGA symbol to the product. AGA conducts follow-up inspections and testing of the product. The AGA discussion of certification notes, in conclusion, that many jurisdictions require installed gas appliances to comply with ANSI voluntary standards and accept AGA certification as evidence of such compliance.

CO detectors. Before proposing the standard, the Commission investigated the possibility of devices that could detect and avoid the hazard of CO poisoning associated with unvented gas-fired space heaters. However, the available information showed that, at this time, it is economically unfeasible and technologically impracticable to produce a device that can detect hazardous CO levels (6).

A commenter suggests the use of a CO detector such as those used by aircraft pilots. Such a detector could be a colorometric type that might be attached to the wall of a room and could indicate levels of CO in the surrounding atmosphere. The Commission notes that such a device must be observed and read. Therefore, it does not appropriately address the CO hazard associated with unvented gas-fired space heaters. These must have a device capable of automatically cutting off gas to the heater in order to save the lives of sleeping persons.

G. Statutory Findings

In order to issue a rule such as the standard below, section 9 of the CPSA (15 U.S.C. 2058) requires the Commission to make certain findings for inclusion in the rule. This discussion provides the background for the findings enumerated at § 1212.9 of the standard. In making findings on the probable effect the rule would have on the utility, cost and availability of the product, section 9 does not require that a formal cost/benefit study be conducted. However, to assist the Commission in balancing the factors of cost, utility and availability of unvented gas-fired space heaters with the need of the public to be protected by a safety system to reduce the hazard of CO poisoning associated with these products Commission economists performed an evaluation of costs and benefits. Item (5) below introduces the discussion of overall costs; the discussion at item (8) on reasonable necessity for the rule, examines the matter of benefits associated with this rule.

(1) *The degree and nature of the risk of injury the standard is designed to eliminate or reduce.*

The Commission finds that the risk of injury associated with unvented gas-fired space heaters addressed by the standard arises from the poisonous gas, carbon monoxide, entering the human respiratory system.

Unvented gas-fired space heaters derive oxygen needed for combustion from the space being heated and discharge the products of combustion directly into this same space. The principal products of combustion for any hydrocarbon fuel, whether solid, liquid or gas, are carbon dioxide (CO_2), water vapor (H_2O), and a small amount of carbon monoxide (CO) (Part D, Technical Considerations fully describes the steps of CO production from this product). None of these products poses a serious injury problem for healthy individuals from an acute or short-term exposure at the concentrations given off under usual conditions. However, if the room oxygen is sufficiently depleted due to inadequate ventilation, a dangerous build-up of CO may occur. Additionally, maladjustment of the burner such as can occur by the blockage of burner primary air passages or shutter maladjustment, can also increase CO concentrations in the living space (2 D-3).

The injury resulting from dangerous levels of CO is caused by a depletion of blood oxygen. Oxygen in the blood combines reversibly with hemoglobin to produce oxyhemoglobin. In this form, oxygen is transported by the blood from the lungs to the body tissues. In the tissues, the oxygen is released from hemoglobin and becomes available to the cells. CO, however, combines with hemoglobin about 200 times more readily than oxygen, to form carboxyhemoglobin, thereby reducing the amount of hemoglobin available to carry needed oxygen. Further, increasing formation of carboxyhemoglobin exerts an inhibitory effect on the remaining oxyhemoglobin in the blood. The reduction of oxygen in the tissues below normal levels is called anoxia and may result in injury to the tissues and death of the individual ((2 D-3, D-4, D-5)16).

The general physiological effects of acute, short-term exposure to increasing air concentrations of CO are presented in Table 1:

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TABLE 1.

PERCENT CO IN ATMOSPHERE	PARTS PER MILLION	RESPONSE
0.005	50	Threshold Limit Value, no apparent toxic symptoms
0.01	100	No poisoning symptoms for long periods of time. Allowable for several hours.
0.02	200	Possible headache, mild frontal in 2-3 hrs.
0.04	400	Frontal headache and nausea after 1-2 hrs.
0.08	800	Headache, dizziness and nausea in 45 min.; collapse and possible unconciousness in 2 hrs.
0.16	1600	Headache, dizziness, nausea in 20 min.; collapse, unconciousness, possible death in 2 hrs.
0.32	3200	Headache and dizziness in 5-10 min.; unconciousness and possible death in 10-15 min.
0.64	6400	Headache and dizziness in 1-2 min.; unconciousness and possible death in 10-15 min.
1.28	12800	Immediate effect, unconciousness and danger of death 1-3 min.

SOURCE: Industrial Toxicology, 3rd ed. Alice Hamilton, M.D. and Harriet L. Hardy, M.D. Publishing Sciences Group. 1974.

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It should be pointed out that time to response in Table 1, is very important when considering the health effects of a particular concentration of CO since a concentration that can be tolerated for short periods may be fatal over several hours. The medical conditions of the individual involved is also important in assessing the potential health hazard. Thus, pregnant women (as well as fetuses), smokers, those living at high altitudes or taking certain medication, those with heart/lung impairment or anemia may be subject to increased risk of injury or death even from relatively low concentrations of CO ((2 D–3, D–5), 16, 17, 20).

Exposure to low concentrations of CO from unvented gas-fired space heaters may, however, also occur over a period of weeks or months, thereby raising the possibility of chronic health effects, that is, health impairment resulting from prolonged or continuous use. Thus, a concentration of CO which might be tolerated for a period of hours may result in health impairment or death if allowed continue over weeks or months. Studies with animals have indicated that the heart and central nervous system are the organs most sensitive to CO. A number of epidemiological and physiological studies have reported heart and central nervous system effects in humans due to CO exposure. As with acute exposure, the presence of sensitive populations must also be considered, since these same types of individuals as described above might be similarly subject to increased risk of injury or death from chronic CO exposure ((2 D–4, D–5) 16, 17, 20).

The risk of injury associated with unvented gas-fired space heaters, therefore, derives from the inhalation of CO and the resultant decrease in blood oxygen. Depending on the degree to which blood oxygen is lowered and the period for which it is lowered, there is the possiblity of tissue damage and even death. The degree of risk is thus a direct function of the concentration of CO and the duration of exposure and individual sensitivity (2 D–3, D–4).

Information available to the Commission on the hazard arising from CO poisoning associated with unvented gas-fired space heaters is predominantly death data. The information suggests that the primary risk is from a sufficiently high, one-time (acute) exposure to CO emissions. The information shows that such acute exposure to CO emissions results in anoxia and death and is, therefore, of particular concern during sleeping hours (2 D–3). As discussed under Part D, Technical Considerations, the acute health risk from high levels of CO that may be produced by unvented gas-fired space heaters can be eliminated or reduced by the standard because the requirment for an ODS can help detect and avoid an atmosphere hazardous to human life (11).

Additional work remains to be done in relation to the possible chronic hazard associated with CO emissions from this and other products.

In assessing the nature and degree of the risk of injury associated with unvented gas-fired space heaters, the Commission was also assisted by experimental and human studies that have been published in the scientific literature and elsewhere (14 through 21).

The epidemiological data available to the Commission concerning CO poisoning associated with unvented gas-fired space heaters is summarized in the Commission's 1978 Hazard Analysis Report concerning this product (3), and has been updated since that time. The data, predominantly death data, are based primarily on a death certificate collection program rather than in-depth investigations, since during most of that time, not many in-depth investigations had been made (2 C–2).

An in-depth investigation is usually a personal interview with family or witnesses to the incident. Although these investigations may not be statistically representative of all injuries, they do provide helpful details concerning product identification as well as the cause of injury. The death certificate program collects information from 54 health jurisdictions which include the 50 states and New York City, the District of Columbia, Puerto Rico and the Virgin Islands (2 C–2).

As reported in the 1978 Hazard Analysis of Unvented Gas-Fired Space Heaters the Commission death certificate files contain 533 deaths related gas-fired space heaters for the period from January 1973 to May 1978; 412 of these deaths resulted from CO poisoning. In 72 of the 412 deaths, the gas-fired space heater involved was identified as unvented.[5] From the language used in the cause of death narratives on the death certificates, 64 additional deaths were attributed to unvented gas-fired space heaters bringing the total to 136. A portion of the remaining death certificates involving CO poisoning and gas space heaters could also involve unvented gas space heaters, but this proportion is unknown because the information included in the death certificates was limited (2 C–2).

Aside from the Commission data sources, 50 deaths from CO poisoning for the period 1958 through 1978 were reported by consumers and state officials during the comment period for the Commission's proposed ban of unvented gas-fired spaced heaters (2 C–1) published in the **Federal Register** on February 24, 1978 (the proposal was subsequently withdrawn (2 B–1, B–2)). Of the 50 reported deaths, 10 deaths were confirmed by the Commission epidemiologists as having resulted from CO poisoning associated with unvented gas-fired space heaters. These ten deaths are represented in the data discussed above.

To estimate the number of deaths annually attributable to CO poisoning from unvented gas-fired space heaters, the Commission staff reviewed the Commission's death certificate files for 1977 and compared the findings to the death certificates for CO poisoning from the use of residential fuels (excluding those associated with actual fires) compiled by the National Center for Health Statistics (NCHS) of the Department of Health, Education and Welfare for the same time period.

In the case of CO poisoning associated with the use of domestic fuels, the Commission's death certificate file has, since 1974, identified about 75 percent of the total number of such deaths reported to NCHS, the source of our national mortality data. In 1977, 348 poisonings were reported from the use of residential fuels; CPSC death certificate files include 289 or 83 percent of these deaths. A distribution of these 289 deaths by the product involved indicates that about one half involved gas space heaters. Although 30 of these cases specified unvented heaters, the majority did not specifically indentify the kind of heater involved. Therefore, other data sources were reviewed to provide more specificity.

Between 1973 and 1979, the Commission in-depth investigation (IDI) files show that 41 investigations were made of 41 CO poisoning incidents associated with gas-fired space heaters. A review of this information indicates that of the 41 incidents, 25 (61%) involved vented gas-fired space heaters; 12 incidents (22%) were unvented gas-fired space heaters; the type of heater in the remaining 10% are unknown.

These 41 in-depth investigations do not represent a randomly drawn sample of gas space heater deaths represented in the death certificate file. Most of them were initiated on the basis of newspaper accounts and others from NEISS (the Commission's computerized information system which collects, on a national basis, product injury data from hospital emergency rooms) or consumer complaints. The value of an IDI in addition to providing information on the cause of injury, is as a source of product information.

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[5] In an effort to help determine the levels of fatal blood carboxyhemoglobin (COHb) from these 72 victims, Commission epidemiologists learned from the medical examiners involved that autopsies had been performed in 23 of these cases: COHb levels had been noted for 15 victims. Also, the medical examiner for Dade County, Florida submitted COHb information from 7 additional autopsies involving CO poisoning associated with unvented gas heaters (9). The small sample, graphically described in table 2, (2 C–1) shows that tolerances to COHb levels vary greatly.

On the basis of this detailed product information, CPSC staff assumed that the ratio of unvented to vented gas-fired space heater deaths shown in the IDI files could be extrapolated to the 176 CO poisoning deaths from all domestic-fueled heaters estimated to have occurred in 1977. These calculations, after adjustment for regional differences and possible bias in IDI heater files, result in an overall estimate of about 70 deaths from unvented and 110 deaths from vented gas-fired space heaters (2 C–2).

Thus, the Commission estimates that approximately 70 deaths associated with CO poisoning and unvented gas-fired space heaters occur each year in the U.S.[6] This may represent a conservative estimate of such deaths because the effects of CO poisoning impact strongly on the cardiovascular and neurological systems of the body; therefore CO deaths may be easily misdiagnosed and thus may be attributed to other physiological causes (9).

There is evidence, from information provided from comments to the proposed ban, to indicate that many nonfatal cases of CO poisoning may go undocumented. In these cases, either an improper diagnosis is made because the symptoms of CO poisoning resemble those of other illnesses such as headaches, dizziness, nausea, or the victims recover at home and do not seek medical attention. These incidents would not appear on any medical records, or in any data sources, as CO poisonings. Therefore, the above number of CO poisonings resulting in injuries and/or deaths that have been reported must be considered a minimum number for this type of injury (2 C–2).

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[6] For 1978, Commission statisticians estimate that 50 deaths were associated with unvented gas-fired space heaters. This figure is preliminary, however, because complete mortality data for 1978 are not yet available from the National Center for Health Statistics (32 J–1).

TABLE 2

CO POISONING DEATHS FROM UNVENTED GAS HEATERS FOR WHICH CPSC HAS COHb LEVELS

COHb Scale	COHb Levels From Records of Death	Age of Victim and Comments
75%	76%	37
70%	73% 72%	21 19-pregnant; fetus had 84%
65%	68%	81-coronary history
60%	60%	21
55%	57% 56% 55%	36 43 36
50%	54% 52%	35 45
45%	47% 45% 45%	46 77 21
40%	43% 42% 41% 40%	40 48 67-hypertensive heart disease 22
35%	36% 35%	52 69-arteriosclerotic Disease
30%	33% 33%	49 23-cardiorespiratory failure
25%	26%	54-blood alcohol 0.12%
20%		
15%		
10%		
5%		
0%		

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(2) *Approximate number of consumer products subject to the rule.* The Commission finds that sales of unvented gas-fired space heaters have been steadily declining since 1967, due to rising consumer affluence, preference for central heating, and higher purchase price. In 1976, about 180,000 heaters were produced. Production was sharply curtailed in 1977 to 82,000 heaters (possibly because industry anticipated Government regulation) and was non-existent in 1978. Information from the industry indicates that after these years of curtailed production, manufacture of unvented gas-fired space heaters (without ODS devices) has been resumed (2 J–2). Based on informal discussions with manufacturers and industry associations, Commission economists estimate that production for the year 1979 was about 120,000; for 1980 120,000 were also produced. These were mostly targeted at the heater replacement market (32 F).

(3) *Need of the public for the products subject to the rule.* The Commission finds that the public need for unvented gas-fired space heaters, which provide a relatively inexpensive form of heat, is substantial for a significant number of people.

Owners of unvented gas-fired space heaters are concentrated in the south central and southeastern United States where climate conditions make central heating systems uneconomic for many households. These owners tend to be the elderly and low income groups of these regions and are most likely to be from among the rural population. Most households chose unvented gas-fired space heaters primarily for the low initial purchase price and low operating costs. These heaters have been among the least expensive heating appliances on the market, although improved voluntary industry standards have increased the price of these heaters. Retail gas space heater prices in 1980 for both vented and unvented heaters were about $180.00 for medium-sized 25,000 BTU heaters. Nevertheless, unvented gas-fired space heaters are not expensive to operate; since they have no flue openings to exhaust energy away from the heated area, they have a thermal efficiency approaching 100 percent and their fuel costs are lower than fuel costs for vented heaters.

Thus, this product is especially necessary for those in the lower socio-economic brackets for whom substitute heaters such as vented gas-fired space heaters or electric space heaters may be too costly because of higher operating costs (2E, 24).

(4) *Probable effect of the rule on the utility of the product.* The Commission finds that the probable overall effect of the standard should be to increase the utility of unvented gas-fired space heaters. Consumers who have historically used these products could be assured that heaters equipped with ODS are safer than those not so equipped. In addition, consumers who may not formerly have purchased this product because of safety considerations would have another purchasing choice for heating that could be less expensive to operate. An ODS-equipped unvented gas-fired space heater could appeal as well as those concerned with energy conservation since energy is not exhausted through a flue opening.

As required by section 9(b) of the CPSA, the Commission has considered and taken into account the special needs of the elderly and handicapped to determine the extent to which such persons may be adversely affected by the rule. The Commission has determined that there will be no significant adverse effect on such persons as a result of this standard. On the contrary, these consumers can be assured that complying products would be less likely to endanger health for those unable to readily remove themselves from oxygen-depleted atmospheres.

(5) *Probable effect of the rule on the cost of the product.* The Commission's estimates of costs are made on the basis of two known ODS devices. The cost of one of the devices to the heater manufacturers is estimated to be about $2; the other is estimated at about $5.00. In 1980, the retail price of a medium size unvented gas-fired space heater of 25,000 BTU capacity was about $180. The Commission estimates, on the basis of information submitted by industry, that the retail price could increase in a range between $5 and $17.50. Competitive pressures should keep the retail price increase down. The provisions concerning labeling as well as those concerning certification of compliance and recordkeeping are not expected to be a significant part of this price increase. The voluntary standard to which U.S. manufacturers now conform contains provisions on labeling and testing which are generally needed for acceptance by many State and local jurisdictions. In addition, manufacturers currently maintain production records. Thus, since the requirements for certification labeling and recordkeeping are not expected to significantly increase the usual administrative burdens a manufacturer may incur in maintaining this kind of business information, the Commission concludes that certification, labeling and recordkeeping requirements of the standard are not meaningfully involved in any possible increased costs of this product.

The Commission estimates on the basis of the 1980 output of 120,000 unvented gas-fired space heaters, that the addition of an ODS would add from $240,000 to $600,000 to the manufacturers' production costs, depending on which ODS is used. Similarly to consumers, the price increase would be from $5 to $17.50 per unit or a total consumer price increase of $600,000 to $2.1 million for the 120,000 heaters.

If the cost estimates of 600,000 to 2.1 million are divided by the number of lives expected to be saved, 14, the ODS device would cost approximately $43,300 to $150,000 per life saved (32 A).

(6) *Probable effect of the rule on the availability of the product.* The Commission finds that the standard is not expected to have a significant impact on the availability of unvented gas-fired space heaters. Historically, production of the products declined over the last decade, primarily because of decreased demand, thus availability of the product decreased accordingly. The three known primary manufacturers produce vented as well as unvented gas-fired space heaters; thus, as described more fully in Part E, Effective Date, they are capable of and interested in increasing the availability of their products. These manufacturers have been actively engaged in measures to equip their unvented heaters with ODS devices and intend to do so when the devices are technically practicable (32 H). It may be that when ODS-equipped unvented gas-fired space heaters are first produced, their availability would not be sufficient for the potential market. However, this factor would probably be of significance only at production startup time.

(7) *Alternative methods.* The Commission considered other means of achieving the objective of the standard—that is, the elimination or reduction of CO poisoning associated with unvented gas-fired space heaters. One of the alternatives considered was a CO detector and gas shutoff device; such devices had been subjected to some laboratory testing by NBS (6). However, the Commission determined that such devices are not yet technically practicable and are prohibitively expensive. A temperature limiting device (TLD) to turn off gas supply to the heater when temperature in the room reaches 100°, was also considered

by the Commission on the theory that high room temperature and high CO emissions were related. Tests at NBS showed, however, that high concentrations of CO can exist at temperatures below the shutoff point of the TLD. The Commission also considered banning the manufacture and distribution of unvented gas-fired space heaters before learning of the ODS and its capability for responding to high concentrations of CO by detecting depletion of oxygen. Further, the Commission could find no alternative means of achieving the objective of the standard that would have fewer adverse effects on competition or that would cause less disruption and dislocation of manufacturing and other commercial practices, consistent with the public health and safety. For the gas heater industry in general, the disruptions and dislocations of existing manufacturing and commercial practices due to the standard are expected to be minor. The manufacturers are primarily assemblers of unvented gas-fired space heaters and will rely on their suppliers for the ODS components needed to comply with the standard. It is not expected that these firms would withdraw from the market; Commission staff contacts with them indicate their willingness to work closely with manufacturers of gas control devices to achieve ODS-equipped heaters.

(8) *Reasonable necessity of the rule to eliminate or reduce an unreasonable risk of injury and issuance of the rule being in the public interest.*

The determination of whether a consumer product safety rule is reasonably necessary to reduce an unreasonable risk of injury involves a balancing of the degree and nature of the risk of injury addressed by the rule against the probable effect of the rule on the utility, cost, or availability of the product. These factors have been individually discussed above. The following discussion concerns the relationship of anticipated injury reduction and costs to the requirements of the standard.

The standard issued below consists of two main requirements. The first is that unvented gas-fired space heaters be manufactured with a ODS device. The second is that each heater be labeled with information pertaining to the operation of the ODS and the CO hazard the ODS is designed to reduce. In addition, ancillary requirements for certification of compliance and recordkeeping are established.

As explained above, the estimated costs of one ODS device to a heater manufacturer is $2.00 for one known device, and $5.00 for the other. The estimated range of the retail price increase is between $5.00 and $17.50. (In 1980, the retail price of a medium size unvented gas-fired space heater of 25,000 BTU output is about $180.) Thus, on the basis of the estimated 1980 output of 120,000 unvented gas-fired space heaters, the addition of an ODS would add from $240,000 to $600,000 to the manufacturer's costs and from $600,000 to $2.1 million to the retail price for consumers. Significant increases in cost for the certification, recordkeeping, and labeling requirements are not anticipated.

In considering whether the anticipated benefits of the standard are reasonably related to the costs, the Commission has calculated, from its data on deaths attributable to CO poisoning from unvented gas-fired space heaters, the number of deaths assigned to the heaters produced in one year over the lifespan of the heaters (32 F). However, it is extremely important to be mindful of the fact that there may be more deaths each year than the Commission's data indicate, and that there are, in all likelihood, many cases of unreported toxic episodes that have not been taken into account in the calculations. Thus, the figures used for estimating benefits of the standard must be considered as minimums.

Based on industry projections it was assumed that 120,000 units would be produced in 1980. Based on industry information, the average life expectancy of such a heater was assumed to be 15 years, plus or minus 5 years (that is, at the end of 15 years, one half of the original 120,000 heaters would still be in use). A maximum lifespan of 25 years was assumed, by the end of which most of the 120,000 heaters would be replaced by newer heaters. From such factors as heater life and number of heaters produced in the past, it was estimated that 7,681,000 heaters were in use in 1977, the same year for which CPSC estimated 70 deaths were associated with unvented gas-fired space heaters (see discussion above under item (1)). Using the figure 7,681,000 heaters in use and the estimate of 70 deaths per year, an expected death rate associated with CO poisoning of .0000091 per heater was derived. This number was then applied to the 120,000 heaters predicted to be manufactured in 1980, in order to calculate the number of deaths that would occur over the lifespan of these heaters.

For the 120,000 heaters produced in 1980 without an ODS device, it is estimated that 16 lives would be lost. If these 120,000 could have been equipped with ODS devices, and assuming that the ODS is 90 percent effective in preventing CO deaths, the addition of an ODS would save 14 of the 16 lives.[7] (The figure of 16 lives lost is derived over the 25 year lifespan of the heater.) [8] It would be expected that deaths associated with these 1980 produced heaters would rise as the heaters age. The ratio of .000009, the estimate of 70 deaths a year, and the number of 1980 units in use over 25 years, result in the estimate of 16 lives lost from the 1980 unts during their 25 year lifespan. The estimate of 90 percent effectiveness of ODS in reducing CO deaths is based on an examination of autopsy reports for 22 CO deaths described in table 2. CPSC estimates from the amount of carboxyhemoglobin detected in the autopsies of the table 2 victims, that 20 of the 22 individuals would have survived if an ODS system had been attached to these heaters and shut off the gas supply when oxygen was depleted below 18 percent.

The benefits to society from lives saved are extremely difficult to estimate in dollars. Therefore, the Commission staff examined price increases of unvented gas-fired space heaters equipped with ODS to determine how much it would cost to save lives that could be lost to heaters not equipped with ODS systems.

If the retail cost estimates of $600,000 to $2.1 million explained above are divided by the number of lives expected to be saved, 14, the ODS device would cost approximately $43,300 to $150,000 per life saved. (This cost figure would, of course, decrease if non-lethal poisoning incidents could be calculated and included.)

The Commission believes it is inappropriate and further, under section 9 of the CPSA or any other part of the statute, it is not necessary, to assign a monetary value to human life. Nevertheless, since value-of-life estimates (based either on the discounted future earnings methodology which start at about ¼ million dollars per life, or the willingness-to-pay approach which ranges upward to 2 million dollars per life) are considerably higher than the cost per life saved, the

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[7] For the purpose of this analysis, the specific added contribution of the labeling requirements toward reducing poisonings has not been calculated. However, as discussed above in this preamble, the labeling is necessary and appropriate, with no significant economic effects.

[8] It assumes that in the first year of life of the 120,000 heaters, all 120,000 are in use. Therefore, 120,000 heaters times the death rate (.0000091) means that 1.09 deaths occur in the first year. In each succeeding year some of the 120,000 heaters go out of service and thus the number of deaths attributable to that year's production is lowered. When the deaths for each year for 25 years are added together, the result is 16 deaths.

Commission considers adoption of an ODS system to be a worthwile objective; (for a discussion of the methodology of cost/benefit analysis and estimates of the value of life, refer to "Suggested Readings and Cost-Benefit Analysis, Value of Life and Discount Rates," a summary of readings on these subjects suggested by Commission economists, (10)).

The safety benefits (lives saved) by requiring that unvented gas-fired space heaters be equipped with ODS, would occur over a number of years, while costs for such heaters would occur in the year of purchase. In the years following adoption of the proposed standard, the benefits would increase as heaters equipped with ODS devices replace older heaters not similarly equipped. By the time almost all unvented gas-fired space heaters comply with the standard, the expected safety benefits would be 63 lives saved per year (2E).

Therefore, after considering the anticipated costs and benefits of this rule and the other factors discussed above, and having taken into account the special needs of elderly and handicapped persons to determine the extent to which such person may be adversely affected by the rule, the Commission finds that this rule, (including the effective date discussed at Part E of this preamble) is reasonably necessary to eliminate or reduce the unreasonable risk of injury associated with unvented gas-fired space heaters and that promulgation of the rule is in the public interest.

H. Product Certification, Testing and Recordkeeping

Certification of compliance by manufacturers and importers

All manufacturers and importers of unvented gas-fired space heaters subject to the standard are responsible for manufacturing products that meet its requirements.

Section 14(a) of the CPSA (15 U.S.C. 2063(a)) requires manufacturers (including importers) and private labelers of a product subject to a standard to issue a certificate of compliance that accompanies the product to the distributor or retailer to whom it is delivered. The certificate must state that the product complies with any applicable standard, name the standard, provide the name of the manufacturer, and the date and place of manufacture. The certificate must be based on a test of each product or upon a reasonable testing program.

Section 14(b) of the CPSA also provides that the Commission may, by rule, prescribe reasonable testing programs for products requiring certification. In addition, section 14(b) provides that, at the option of the manufacturer, the tests which are the basis for certification of compliance may be performed by another person such as an independent laboratory qualified to perform such tests.

Section 14(c) provides that the Commission may, by rule, require the use and prescribe the form and content of labels containing certification by manufacturers that products comply with the standard, and information relating to identification of the manufacturer.

Under the standard, manufacturers are responsible for certifying that their products comply with the standard. Since it would serve no useful purpose to have private labelers also certify that products manufactured by another comply with the standard, it would be unnecessarily duplicative to require certification by private labelers. Further, manufacturers are in the best position to either test the product or provide for a reasonable testing program. Therefore, manufacturers continue to be responsible for certifying that their products comply with the standard even though the product bears the name of a private labeler and is distributed through the facilities of the private labeler. Thus, manufacturers are responsible for certifying compliance.

Importers of unvented gas-fired space heaters are responsible for certifying that the products they import comply with the standard. If tests or a reasonable testing program have been performed by the foreign manufacturer, the importer may rely on such tests to support the certificate of compliance so long as the importer is a resident of the U.S. or has a resident agent in the U.S. and the test records are maintained in the U.S. Importers are responsible for assuring that the testing required to support the certificate of compliance has been performed properly with acceptable results, and that records of the tests are accurate and complete. Manufacturers and importers are also responsible for maintaining records of tests or testing programs whether these are performed by the manufacturer, or a qualified, independent laboratory. The proposed standard provides that certification by the manufacturer or importer shall be stated on a permanently affixed label which also explains the presence of the ODS system.

Testing

Section 1212.6 of the standard describes the test procedures which the Commission will use to determine whether unvented gas-fired heaters meet the requirements of the standard, although there is no provision in the standard requiring manufacturers to use the same test procedures to determine compliance with the standard. Section 1212.21 describes general requirements for manufacturers concerning testing but does not specify a reasonable testing program.

The test described at § 1212.6 is fairly simple and inexpensive to perform, and does not impair the product. The test may be used for each individual heater or may provide the basis of a reasonable testing program.

The Commission observes that U.S. manufacturers of gas appliances have had considerable experience in being responsible for testing their products because many state and local jurisdictions provide that gas appliances must meet certain building code requirements before they can be installed for residential use. Many jurisdictions require, in addition, that gas appliances such as unvented gas-fired space heaters be certified by qualified testing laboratories as a prerequisite to permitting installation in homes (13). Thus, the Commission anticipates that manufacturers who adhere to customary good manufacturing practices that are generally acceptable under state and local building codes would be able to certify to the Commission that their products comply with the proposed standard.

The Commission is presently unaware of information indicating that it will be necessary to prescribe a specific reasonable testing program for unvented gas-fired space heaters equipped with ODS. Therefore, manufacturers and importers may either test each heater, or develop their own reasonable testing programs for certification purposes. Further, so long as the responsible firm certifies compliance with the standard, a reasonable testing program may be performed by a qualified testing laboratory, such as those qualified testing laboratories that perform tests generally found acceptable under state and local building codes.

Should the Commission's enforcement activities relative to these products indicate that the testing programs used are not adequate to ensure that the heaters comply with the standard, the Commission could develop and issue a mandatory testing program.

Recordkeeping

Proposed § 1212.23 of Subpart B requires that manufacturers and importers of unvented gas-fired space heaters subject to the standard maintain written records demonstrating that compliance certificates are based on tests of unvented gas-fired space heaters or a reasonable testing program, and to retain such records for 3 years.

No specific format is prescribed for the records, but the records are required to contain sufficient information to show the nature of a firm's testing procedures, to identify the heater or group of heaters that are certified as a result of the test data, and to show whether the space heaters which are being marketed and certified to comply with the standard, are essentially identical in every respect that relates to compliance with the standard, to the space heaters that were tested for conformance with the standard.

These records, besides aiding Commission enforcement of the standard could be helpful to a manufacturer or importer in limiting the scope of a possible recall order under section 15 of the CPSA. (The Commission is authorized under section 15 to order a manufacturer, (including importer) or distributor or retailer of a product which is found, after opportunity for a hearing, to present a "substantial product hazard" to elect one of the following remedies: repair the defective product, replace the product with a non-defective product, or refund the purchase price of the product.) "Substantial product hazard" is described in section 15 to mean a failure to comply with an applicable consumer product safety rule which creates a substantial risk of injury to the public, or a product defect, which (because of the pattern of defect, the number of defective products distributed in commerce, the severity of risk, or otherwise) creates a substantial risk of injury to the public.

The recordkeeping requirements of § 1212.23 are issued under the authority of section 16(b) of the CPSA, which authorizes requirements for the establishment and maintenance of records that are necessary to implement the act or to determine compliance with regulations issued under the act. The records are necessary to monitor compliance with the standard requiring ODS systems for unvented gas-fired space heaters.

Section 16(b) further provides that these records must be made available for inspection by duly designated agents of the Commission upon request.

Product certification and labeling

Section 1212.22 requires manufacturers and importers of unvented gas-fired space heaters to affix to each heater a permanent label, part of which contains the "certificate" of compliance, as that term is used in section 14(a) of the CPSA.

The proposed certification label is required to be visible and legible to the consumer and is to include the following information:

1. The statement, "This heater has a Federally-required pilot light safety system".
2. The name of the manufacturer or importer issuing the certification label, (unless this information is permanently affixed elsewhere on the heater in a place easily visible to the consumer). This information may be in code when the product bears a private label provided the code mark permits the seller to identify the manufacturer to the purchaser upon the purchaser's request.
3. The month, year and place of manufacture, unless permanently affixed elsewhere on the heater in a place easily visible to the consumer. This information may be provided in code, such as a serial number, so long as the meaning of each symbol in the code can be made available upon request by consumers, persons in the distribution chain and CPSC.

The certification is required to be incorporated in the permanent label described in § 1212.8(a) which describes the purpose of the ODS in the unvented gas-fired space heater. To avoid confusion as to coverage of the certification, this label is to be separate and distinct from any use or operation labels provided by the manufacturer.

In deciding that certification for unvented gas-fired space heaters should be in the form of a permanent label rather than a separate certificate supplied to persons in the distribution chain, the Commission notes that the label will be visible to all in the distribution chain, and the certification will be immediately available if any questions concerning compliance with the standard arise about a particular heater. A permanent label will benefit consumers and industry, as well as the Commission, in the following ways:

1. For a period of time after the standard goes into effect, both complying and noncomplying heaters may be available on the retail market. A label affixed to the individual product will help consumers make an informed choice between complying and noncomplying products.
2. A permanent label will enable CPSC investigators screening products for compliance to distinguish between those manufactured before and those manufactured after the standard without examining retailers' or distributors' shipping records. Such an examination can be time-consuming and difficult.
3. A permanent label with an identification of the date and location of manufacture will be advantageous to manufacturers, importers, private labelers, distributors, retailers, and consumers in the event of a recall under section 15 of the CPSA.

I. Environmental Considerations

The Commission made an assessment of the potential environmental impact of the proposed standard (2E). The assessment addressed potential effects of the regulatory action on the production, distribution, consumption and disposal of unvented gas-fired space heaters and concluded that the proposed standard would not have a significant effect on the quality of the human environment. No comments received during the comment period disputed the assessment either directly or indirectly. The Commission has received no other information that would lead it to change its position. Therefore, the Commission reaffirms its preliminary determination with respect to the final standard. The Commission makes the following findings.

Unvented gas-fired space heaters equipped with ODS would result in a safe product that is 100% thermally efficient because energy is not exhausted outside the residence. Thus, consumers could experience savings in fuel consumption over other kinds of heaters. Technical innovation related to this standard could have a beneficial impact on fuel consumption in the future, since the use of ODS could be considered for other products. Patterns of disposal of this product are not expected to be altered by this proposed standard. Moreover, a safety standard would not be expected to result in such changes in methods, materials or other factors of production and distribution that would be of significant consequence to the environment.

Upon reviewing these factors and others raised in the environmental assessment report and accompanying finding of no significant impact on file at the Office of the Secretary, it appears to the Commission that the standard would not lead to any significant impact on air and water quality, solid waste disposal, land use, energy use, or other aspects of the physical environment. Since a significant effect on the quality of the human environment is not anticipated from this standard, the Commission concludes that an environmental impact statement is not needed.

J. Preemption

The preamble to the proposed standard described how this federal standard could preempt state and local regulations that apply to the same risk of injury as is covered under the federal standard. In the proposal the Commission solicited information about state and local regulation of unvented gas-fired space heaters so that guidance on the effects of preemption could be discussed in the preamble to a final rule. In addition, Commission staff contacted representative states and localities for relevant information on whether these jurisdictions regulate unvented gas-fired space heaters. This telephone survey was performed during January and February 1980 by Commission staff members (32M).

No comments were received in response to the proposal which dealt directly with particular state or local rules for these products. However, some information was obtained by Commission staff survey calls to appropriate officials in 52 states and territories, 163 counties and 148 cities. Of these 363 jurisdictions, 211 have some form of gas space heater regulation. These include 34 of the 50 states; those states without rules were chiefly in the northeast and southeast. Most of the state/local regulations (158 out of 211) were reported to be based on widely-recognized national and regional building codes. Many state local regulations appear to have been issued for public health reasons such as protecting against fire or CO hazards. The most consistent reason given for adopting these regulations, however, was that they are part of the building codes used in the various jurisdictions (32M).

How these state and local regulations are affected by the standard is determined under section 26 of the CPSA (15 U.S.C. 2075). Section 26(a) provides that when a Commission standard is in effect, it preempts any non-identical state and local standards or other kinds of regulations which apply to the same risk of injury associated with a consumer product—in this case the risk of CO poisoning associated with unvented gas-fired space heaters. An exception to preemption is provided in section 26(b) for state and local standards concerning products for a state or locality's own use, if those standards provide a higher degree of protection than the CPSA standard. In addition, section 26(c) provides that upon application by a state or locality, the Commission may, by rule, exempt from preemption a state or local regulation addressed to the same risk of injury from a consumer product where the Commission determines that such a regulation provides a significantly higher degree of protection than does the federal standard, and that the state/local regulation does not unduly burden interstate commerce.

In general, it is the view of the Commission that Congress intended Commission standards to have a broad preemptive effect and provided mechanisms for exceptions to preemption. Definitive judgment that a particular state or local regulation would or would not be preempted by a CPSC standard can only be provided by the courts. To provide general guidance to the public, however, it may be helpful to review the kinds of state/local rules that have been in effect and whether or not, in the Commission's view, they would be preempted.

State or local regulations are subject to preemption whether they have been issued as standards or as bans. This is apparent from section 26(a)[9] which refers to preemption of a "safety standard or regulation"; this view is further enforced by the legislative history of this section of the CPSA which states:

> "It is intended that Federal authority—once exercised—occupy the field and broadly preempt State authority to regulate the same product hazards. Accordingly, the Federal preemption is intended to extend not only to State authority to set standards on labeling requirements but also to prevent States from acting to ban products which conform to applicable Federal safety standards where the purpose of the ban is to protect the public from the same product hazard." (H.R. Rep. No. 92–1153, 92d Cong., 2d Sess., 1972, p. 49).

Although the staff survey did not uncover such regulations, if a state/locality to protect against CO poisoning, were to issue a rule providing that unvented gas-fired space heaters must be equipped with ODS capable of shutting off gas supply at less than 18% oxygen in the surrounding atmosphere, such a regulation could continue in effect. Since this hypothetical regulation describes the same requirement as the federal standard to address the same risk of injury from the same consumer product, it is identical to the federal standard, as required by section 26 of the CPSA. This means that a state/local regulation that would require a device other than ODS to protect against the hazard of CO poisoning from this product would be preempted on the grounds that the state/local requirement is not identical to the federal requirement.

The staff survey found that some state/local regulations prohibit the installation of unvented gas-fired space heaters in residences or, in the alternative, others provide that, to be installed, gas-fired space heaters must be vented. Such requirements, in the view of the Commission would be preempted. As the legislative history shows, a state/local ban would be preempted in the same way as a state/local standard when it is not identical to the federal standard. A state/local provision that only vented gas-fired space heaters are permitted, effectively bans unvented products and therefore would be preempted. Most of the state/local rules of this nature are expressed in the form of installation requirements rather than being expressed in the form of the requirements listed in section 26(a). However, where the practical effect of a state/local installation requirement is to prohibit marketing of a product covered by a federal standard, the requirement is tantamount to a ban and would therefore be preempted.

Some state/local installation requirements that deal with *how* installation is accomplished rather than *whether* it may occur, do not have the effect of banning unvented gas-fired space heaters. Such codes recommend, for example, use of products of a certain BTU capacity for a given volume of residential space. Another example might be the amount of clear space required between the heater and adjacent walls. These requirements, because they deal only with the manner of installation would not be preempted. Other state/local rules that would not be preempted would be those that solely cover risks of injury other than CO poisoning, such as fire or thermal burns; the staff survey does not show the existence of such rules.

Commission technical staff concerned with enforcement of this standard will be available to offer informal advice to jurisdictions that request it.

K. Date of Promulgation

Section 9 of the CPSA (15 U.S.C. 2058) sets forth the administrative procedures applicable to promulgation of consumer product safety rules and provides guidance concerning the time period for a rule to take effect after the date it has been promulgated by the Commission. However, the CPSA does not define the date of promulgation. In the absence of statutory direction or Commission guidance, therefore, there is an element of uncertainty as to when a rule is considered to be promulgated. Promulgation could take place when the Commission, at a public meeting, votes to issue a rule or when the **Federal Register** notice announcing the rule is signed by the Commission's Secretary, or at another time.

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[9] Whenever a consumer product safety standard under this Act is in effect and applies to a risk of injury associated with a consumer product, no state or political subdivision of a State shall have any authority to establish or to continue in effect any provision of a safety standard or regulation which describes any requirements as to the performance, composition, contents, design, finish, construction, packaging, or labeling of such product which are designed to deal with the same risk of injury associated with such consumer product, unless such requirements are identical to the requirements of the Federal Standard.

The uncertainty of date of promulgation may be important to those who believe they are adversely affected by a rule issued by the Commission. Section 11 of the CPSA (15 U.S.C. 2060) provides that such persons or groups may petition a U.S. Court of Appeals in the circuit of their residence or principal place of business for judicial review of the rule. In such a case, the Commission is required to respond by filing the record of the rule in the court chosen by the first person or group to file for judicial review.

Thus, persons or groups that are represented at a public meeting where the Commission votes to issue a rule and believe they are adversely affected by the rule, may properly try to be first to file for judicial review in a circuit of their own choosing. Persons or groups unable to be represented at such public meetings, whether for reasons of geographical or financial inconvenience, or otherwise, may also believe they are adversely affected by a Commission decision to issue a rule and yet not have an opportunity to file for judicial review in a forum of their own choosing.

The Commission believes it is important to remove the elements of uncertainty and possible unfairness that may occur concerning opportunity for judicial review of this proposed standard on unvented gas-fired space heaters by promulgating the rule on a date certain after its publication. The Commission observes that courts have traditionally approved a great deal of discretion to agencies in determining the manner in which their actions are promulgated; courts have deferred to the agency's choice as long as the choice is reasonable. *Southland Mower Co.* v. *Consumer Product Safety Commission,* 600 F.2d 12 (5th Cir. 1979).

In this proceeding, the Commission earlier extended from August 18, 1980 to September 17, 1980, the period for promulgating the standard (45 FR 50817, July 31, 1980). Since all of this time was needed for considering the complex issues raised by comments on the proposed standard, the Commission finds good cause for further extending and hereby extends the promulgation date of this standard. Accordingly, in order to provide the maximum amount of guidance possible to the courts and interested persons, the Commission provides that this standard is promulgated at noon, Eastern Daylight Time, on Septermber 29, 1980. The Commission believes this choice of promulgation date is reasonable in that it provides sufficent time for interested persons to learn about the rule before a court can be petitioned for judicial review.

L. Conclusion

Based on the foregoing information, the Commission determines that unvented gas-fired space heaters present an unreasonable risk of injury due to CO poisoning, and that a consumer product safety rule is reasonably necessary to eliminate or reduce this risk. Therefore, the Commission issues a consumer product safety standard that addresses this risk by requiring that unvented gas-fired space heaters contain ODS systems as described below and specified labeling, and that manufacturers certify compliance and maintain test and certification records.

Accordingly, the Consumer Product Safety Commission amends Title 16, Chapter II, Subchapter B, of the Code of Federal Regulations, by adding Part 1212, as follows:

PART 1212—SAFETY STANDARD REQUIRING OXYGEN DEPLETION SAFETY SHUTOFF SYSTEMS (ODS) FOR UNVENTED GAS-FIRED SPACE HEATERS

Subpart A—Safety Standard

Sec.
1212.1 Scope and purpose of the standard.
1212.2 Effective date.
1212.3 Definitions.
1212.4 Exclusions.
1212.5 Requirements for ODS.
1212.6 Test equipment and procedures.
1212.7 Certification and recordkeeping.
1212.8 Labeling.
1212.9 Findings.

Subpart B—Certification

1212.20 Purpose of certification.
1212.21 Reasonable testing program.
1212.22 Certification of compliance.
1212.23 Records.

Authority: Secs. 2, 3, 7, 9, 14, 16, 27, Pub. L. 92–573, as amended, Pub L. 94–284, Pub. L. 95–631; 86 Stat. 1207, 1208, 1212, 1220 as amended, 90 Stat. 503, 92 Stat. 3742; 15 U.S.C. 2051, 2052, 2056, 2058, 2063, 2065, 2076.

Subpart A—Safety Standard

§ 1212.1 Scope and purpose of the standard.

(a) *Scope.* This Part requires an oxygen depletion safety shutoff system (ODS) and specified labeling for unvented gas-fired space heaters that are customarily produced or distributed for sale to or for the personal use or enjoyment of consumers in or around a household or residence, a school, in recreation or otherwise. Manufacturers (including importers) are responsible for certifying that their products comply with the requirements of the standard and for maintaining records which describe the testing performed as the basis for such certification. Manufacturers are in the best position to provide for testing and certifying compliance with the standard and it is not necessary to also have private labelers certifying compliance or maintain testing records. Therefore, private labelers are not required to certify that products comply or to maintain records of testing. (Unvented gas-fired space heaters are defined at § 1212.3; exclusions from this definition are provided at § 1212.4.)

(b) *Purpose.* This standard is intended to reduce the unreasonable risk of injury associated with unvented gas-fired space heater due to carbon monoxide (CO) poisoning. The standard addresses only the risks arising from carbon monoxide and does not deal with any other possible safety aspects of unvented gas-fired space heaters. This ODS Standard does not replace any other voluntary standards or parts of such standards that may apply to other performance or construction characteristics of the heaters for addressing any other potential hazards such as thermal burns or fires. However, to help ensure the quality of the entire product, manufacturers are encouraged to adhere to customary good manufacturing practices for their products such as may be needed to ensure that the products would be generally acceptable under State and local building codes.

§ 1212.2 Effective date.

All unvented gas-fired space heaters defined at section 1212.3 that are manufactured or imported after midnight June 14, 1981, are subject to the requirements of Subpart A and, as provided by Subpart B, shall be certified as complying with Subpart A.

§ 1212.3 Definitions.

In addition to the definitions provided in section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052(a)), the following definitions apply to this Part. (Metric equivalents appear in parentheses where appropriate.) English units will be used by the Commission for enforcement purposes.

(a) *BTU.* Abbreviation for British Thermal Unit. The quantity of heat required to raise the temperature of 1 pound (4.4N) of water 1° F. (0.6° C).

(b) *Burner.* A device for the final conveyance of the gas, or a mixture of gas and air, to the combustion zone.

(c) *Cubic foot of gas.* The amount of gas which would occupy 1 cubic foot (0.03m^3) when at a temperature of 60° F. (16° C) if saturated with water vapor and under a pressure equivalent to that of 30 inches of mercury. (101 kPa).

(d) *Field adjustment means.* A part, device or mechanism which would allow a consumer using ordinary hand tools to change the ODS setting.

(e) *Heating value.* The number of British Thermal Units (kilojoules) produced by the combustion at constant pressure, of 1 cubic foot (4.4N) of gas when the products of combustion are cooled to the initial temperature of the gas and air, when the water vapor formed during combustion is condensed, and when corrected to a temperature of 60° F. (16° C) at a pressure equivalent to 30 inches of mercury. (101 kPa).

(f) *Input rating.* The maximum gas-burning capacity of an appliance in BTU per hour (kilojoules per hour) as specified on the nameplate by the manufacturer.

(g) *Integral marking.* Marking that is embossed, cast, stamped or otherwise formed in the part.

(h) *Liquefied petroleum gases.* Any material which is composed predominatly of any of the following hydrocarbons, or mixtures of them: propane, propylene, butanes (normal butane or isobutane), and butylenes.

(i) *LP gas-air mixtures.* Liquefied petroleum gas distributed at relatively low pressures and normal atmospheric temperatures, which have been diluted with air to produce desired heating value and utilization characteristics.

(j) *Manufactured gas.* A gas produced from coal, coke, or oil, or by reforming of natural or liquefied petroleum gasses or any mixtures thereof, and including any natural or liquefied petroleum gas if used for enriching.

(k) *Mixed gas.* A gas in which manufactured gas is commingled with natural or liquefied petroleum gas in such a manner that the resulting product has a heating value higher than that previously produced by the utility prior to the time of the introduction of natural or liquefied petroleum gas.

(l) *Natural gas.* A naturally occurring mixture of hydrocarbon and nonhydrocarbon gasses found in porous formation beneath the earth's surface, often in association with crude petroleum. The natural gas of commerce, supplied to fuel gas markets, usually contains from 80 to 95 percent methane and lesser amounts of ethane and propane. Most of the remainder is nitrogen.

(m) *Normal butane (N-butane), technical grade.* A liquefied petroleum gas composed of a minimum of 95 percent n-butane (C_4H_{10}) which may contain other impurities such as isobutane, butylenes and propane not in excess of 5 percent.

(n) *Oxygen depletion safety shutoff system (ODS).* A system designed to act to shut off the gas supply to the main and pilot burners if the oxygen in the surrounding atmosphere is depleted to a specified value (see § 1212.5(b)). (The system shall depend primarily on lack of oxygen for actuation and not primarily on other phenomena in the surrounding atmosphere such as room temperature or CO concentration.)

(o) *Permanent plate marking.* Marking that is made of metal of a minimum thickness of 0.012 inch (0.30mm) and that is securely attached so that it will remain with the heater throughout its life expectancy.

(p) *Pilot.* A small flame which is utilized to ignite the gas at the main burner(s).

(q) *Propane HD-5.* A special grade of liquefied petroleum gas composed of a minimum of 90 percent liquid volume of propane (C_3H_8) and a maximum of 5 percent liquid volume of propylene (C_3H_6).

(r) *Specific gravity.* As applied to gas, specific gravity is the ratio of the weight of a given volume to that of the same volume of air, both measured at the same temperature and pressure.

(s) *Stoichiometric combustion.* The rapid oxidation of fuel gases, having the exact proportions of fuel and air required for theoretically complete chemical reaction.

(t) *Unvented gas-fired space heater.* A self-contained, free-standing or recessed, gas-burning appliance which furnishes warm air to the surrounding or adjacent living space by gravity convection, fan circulation or radiation directly from the heater and without duct connections, and which discharges combustion products such as carbon monoxide, carbon dioxide, and water vapor directly into the heated space. The term includes the following:

(1) *Unvented circulator.* A room heater that converts the energy in the fuel to convected and radiant heat by direct mixing of air to be heated with the combustion products and excess air inside the jacket. Unvented circulators have an external jacket surrounding the burner and may be equipped with radiants with the jacket open in front of the radiants.

(2) *Wall heater, unvented, closed front.* An unvented circulator having a closed front for insertion in or attachment to a wall or partition.

(3) *Radiant heater.* An open-front unvented room heater designed primarily to convert the energy in the fuel to radiant heat by means of refractory radiants or similar radiating materials. A radiant heater has no external jacket covering the radiant elements.

§ 1212.4 Exclusions.

The following categories of products are excluded from this standard:

(a) *Kitchen range and oven.* An appliance which provides a source of localized heat for food preparation.

(b) *Decorative gas appliance.* An appliance generally used in a vented fireplace to simulate the appearance of a natural burning material such as wood or coal. The term includes but is not limited to "gas logs", "coal baskets" and "fireplace inserts." (When a decorative appliance is combined with an unvented enclosure, such as a simulated fireplace and cannot be used in a vented fireplace, it falls within the general definition of unvented gas-fired space heater because it discharges combustion products such as carbon monoxide, carbon dioxide and water vapor directly into the heated space.)

(c) *Catalytic camp heater.* An open faced, unvented heating appliance which utilizes a catalyst in the combustion process.

(d) *Non-catalytic camp heater.* An unvented portable heating appliance of other than the catalytic type.

(e) *Infrared heater.* A gas appliance which directs a substantial amount of its energy in the form of infrared energy into the area to be heated and is generally used for heating of outdoor spaces or non-residential indoor spaces.

§ 1212.5 Requirements for ODS.

(a) Each heater shall be equipped with an oxygen depletion safety shutoff system (ODS) capable of shutting off the gas supply to the heater when oxygen in the surrounding atmosphere is depleted. (The system shall depend primarily on lack of oxygen for actuation and not primarily on other phenomena such as room temperature or CO concentration.)

(b) The concentration of oxygen in the surrounding atmosphere at time of shutoff shall not be less than 18% when corrected to 70 degrees Fahrenheit (21° C) at a parometric pressure equivalent to 30 inches of mercury (101kPa), when tested in accordance with the procedures at § 1212.6.

(c) The ODS system shall not incorporate field adjustment means capable of changing the set point at which the system acts to shut off the gas supply to the heater.

§ 1212.6 Test equipment and procedures.

This section describes the equipment and procedures to be used by the Commission for evaluating the shutdown performance of unvented gas-fired space heaters fitted with an ODS.

(a) *Facilities, equipment and conditions.* (1) *Test room or chamber size.* The test shall be conducted in a room or chamber of sufficient size to hold the necessary equipment for conducting the test, but no larger than 1000 cubic feet (28.3m³) in volume.

(2) *Air infiltration.* The room, including the door, shall be constructed so that air infiltration into the room shall not exceed 0.25 volume changes per hour when determined under the following conditions:

Heater input rate = 40,000 Btu/hr (42,000 kj/hr). Room temperature = 70°F (21°C). Temperature external to test room = 70°F (21°C). Wind velocity external to test room = Zero mi/h (0 km/h).

These restrictions are specified to establish a base for determining air infiltration rate only and are not conditions for the test.

(3) *Provisions for remote measurement.* Provisions shall be made for the remote measurement and recording of the room air temperature, oxygen or carbon dioxide concentration and barometric pressure. Room air temperature shall be measured with at least five thermocouples at different levels and plan locations which are averaged to determine room air temperature. The thermocouples shall be shielded from direct radiation from the heater during the test. The oxygen or carbon dioxide concentration in the room atmosphere shall be sampled at a minimum of five locations, (the same location as for the thermocouples above). The average of five separate measurements or a single measurement through the use of a manifold which mixes the samples may be used. Barometric pressure may be measured at any location in the test room.

(4) *Air temperature.* During the conduct of this test the room air temperature shall not exceed 85°F (29°C) nor fall below 65°F (18°C). The temperature shall be measured and recorded during the entire test to the nearest 1°F (0.6°C). The correction for conversion to the standard condition of 70 degrees Fahrenheit (21°C) and 30 inches of mercury (101 k Pa) is:

$$\text{Corrected oxygen at shutdown} = \text{measured oxygen at shutdown} \times \frac{460+70}{450+T_R} \times \frac{P_B}{30} \left(\frac{273+21}{273+T_R} \times \frac{P_B}{101} \right)$$

Where

T_R = ambient temperature (°F) (°C) in test room at shutdown.
P_B = barometric pressure (inches Hg) (k Pa) in test room at shutdown.

(5) *Oxygen/carbon dioxide concentration.* The oxygen or carbon dioxide concentration in the room atmosphere shall be measured during the entire test and recorded to the nearest 0.1 percent. When carbon dioxide is measured the following equation will be used to calculate the relative value of oxygen in the room atmosphere for a specific test gas.

$$x = 20.93 - y \frac{(20.93)}{Y_1}$$

where:

x = percent O_2 in room,
y = percent CO_2 measured in room,
y_1 = ultimate percent CO_2 resulting from stoichiometric combustion of the specific test gas,
20.93 = maximum percent oxygen content of air.

(6) *Air circulation.* The atmosphere of the room shall be evenly mixed and shall not interfere with the operation of the heater under test. Air circulation shall be provided so that sufficient mixing is attained without causing movement of the flame of the main burner, pilot burner or ODS. To ensure proper mixing, the temperatures sensed by thermocouples placed at the five locations chosen in accordance with paragraph (3) *Provisions for remote measurements* above, shall not differ more than 5° F (3° C).

(b) *Test gases.* The tests shall be conducted with the type(s) of gas for which the heater is designed, as specified by the manufacturer; for example, heaters for use with natural gas shall be tested with natural gas. Gases with characteristics approximately as shown below shall be used.

Characteristics of Test Gases

	Heating value		Specific gravity (air = 1.0)	Ultimate CO_2 (percent)
	Btu per ft³	MJ/m³		
Natural	1,075	(40.1)	0.65	12.2
Manufactured	535	(19.9)	.38	11.82
Mixed	800	(29.8)	.50	11.82
Butane	3,200	(119.2)	2.00	14.0
Propane HD-5	2,500	(93.1)	1.55	14.0
Propane-Air	700	(26.1)	1.16	14.0
Butane-Air	1,400	(52.2)	1.42	14.0
Propane-Air	1,400	(52.2)	1.30	14.0

(c) *Procedures.* (1) The heater shall be assembled and adjusted in accordance with any instructions provided by the manufacturer. It shall be installed near the geometric center of the test room floor. The heater shall be started and set at maximum input with a normal inlet test pressure as specified in subpart (4) below.

(2) The heater shall be operated for 15 minutes with the door of the room open and the room completely ventilated. The door of the room shall then be closed and ventilation stopped.

(3) The heater shall be operated at maximum input until the ODS shuts off the heater. When the ODS acts to shut off the gas supply to the heater the following shall be determined and recorded:

(i) Oxygen (or carbon dioxide) concentration of the room atmosphere

(ii) Average room temperature

(iii) Barometric pressure

The necessary corrections and conversions shall be made and the test results recorded.

(4) The test shall be repeated with the room heater operating at both reduced and increased inlet test pressures specified in the following table with no change in adjustments.

Inlet Test Pressures

Test gas	Test pressures-inches water column (kPa)		
	Reduced	Normal	Increased
Natural	3.5 (0.87)	7.0 (1.74)	10.5 (2.61)
Manufactured	3.0 (0.75)	6.0 (1.49)	9.0 (2.24)
Mixed	3.0 (0.75)	6.0 (1.49)	9.0 (2.24)
n-Butane	8.0 (1.99)	11.0 (2.74)	13.0 (3.23)
Propane HD-5	8.0 (1.99)	11.0 (2.74)	13.0 (3.23)
Propane-Air (700)	3.0 (0.75)	6.0 (1.49)	9.0 (2.24)
Butane-Air (1400)	3.5 (0.87)	7.0 (1.74)	10.5 (2.61)
Propane-Air (1400)	3.0 (0.75)	6.0 (1.49)	9.0 (2.24)

§ 1212.7 Certification and enforcement.

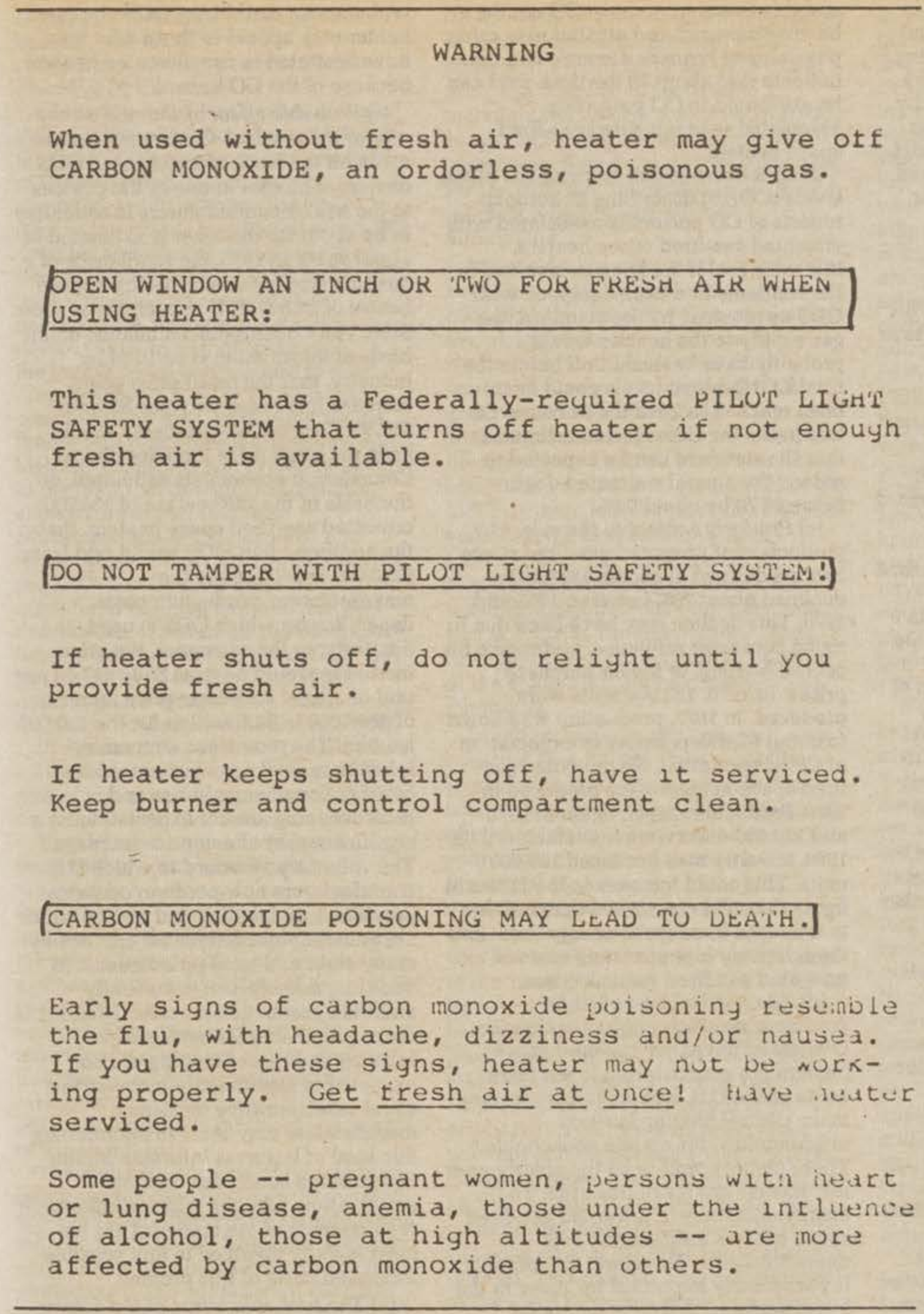
(a) *Testing required for certification.* The test procedures described at § 1212.6 will be used for enforcement purposes by the Commission to determine whether unvented gas-fired space heaters subject to this standard actually meet its requirements. Although the standard does not require that a manufacturer or importer perform these tests, section 14 of the CPSA (15 U.S.C. 2063) requires them to certify that their products conform with all applicable consumer product safety standards. The certificate must be based on either a test of each product or on a reasonable testing program. Subpart B below describes the requirements that manufacturers and importers shall follow to certify that their unvented gas-fired space heaters comply with the requirements of the standard at Subpart A.

(b) *Reporting of noncompliance.* Every manufacturer and importer of unvented gas-fired space heaters that have been distributed in commerce and every distributor and retailer of such products who obtains information which reasonably supports the conclusion that the product is subject to and fails to comply with the requirements of Subpart A, shall immediately inform the Commission of the failure to comply, in accordance with the reporting provisions of section 15(b) of the CPSA (15 U.S.C. 2064(b)). (A test failure that occurs during a reasonable testing program before distribution of any such units is not subject to the reporting requirements of section 15(b). Failure to comply with the certification and recordkeeping requirements of Subpart B is not subject to the reporting requirements of Section 15(b) of the CPSA.)

§ 1212.8 Labeling.

(a) Each heater shall bear an integral marking label or permanent plate marking label which shall be conspicuous and clearly legible when the heater is in an installed position and shall be separate from any use or operation label supplied by the manufacturer. The marking label shall contain the following statement:

BILLING CODE 6355-01-M



WARNING

When used without fresh air, heater may give off CARBON MONOXIDE, an ordorless, poisonous gas.

OPEN WINDOW AN INCH OR TWO FOR FRESH AIR WHEN USING HEATER:

This heater has a Federally-required PILOT LIGHT SAFETY SYSTEM that turns off heater if not enough fresh air is available.

DO NOT TAMPER WITH PILOT LIGHT SAFETY SYSTEM!

If heater shuts off, do not relight until you provide fresh air.

If heater keeps shutting off, have it serviced. Keep burner and control compartment clean.

CARBON MONOXIDE POISONING MAY LEAD TO DEATH.

Early signs of carbon monoxide poisoning resemble the flu, with headache, dizziness and/or nausea. If you have these signs, heater may not be working properly. Get fresh air at once! Have heater serviced.

Some people -- pregnant women, persons with heart or lung disease, anemia, those under the influence of alcohol, those at high altitudes -- are more affected by carbon monoxide than others.

BILLING CODE 6355-01-C

(b) The word "Warning" shall be in capital letters at least ¼ inch (6.4mm) high and the remainder of the wording in letters at least ⅛ inch (3.2mm) high.

(c) The three statements outlined by rectangular enclosures in the label in subsection (a) above shall be set apart from the other information in the label by italics, color contrast, rectangular enclosures as illustrated, or similar means.

§ 1212.9 Findings.

(a) *General.* Section 9(c) of the CPSA (15 U.S.C. 2058(c)) provides that to issue a rule, the Commission must make findings on the following topics for inclusion in the rule.

(b) *The degree and nature of the risk of injury the proposed standard is designed to eliminate or reduce.* The risk of injury addressed by this standard is from the poisonous gas, carbon monoxide (CO) entering the human respiratory system due to the CO hazard associated with unvented gas-fired space heaters. Where room oxygen is sufficiently depleted due to inadequate ventilation or maladjustment of the heater's burner, a dangerous buildup of CO may occur. CO combines readily with hemoglobin in the blood thereby reducing the capability of the blood to carry oxygen needed to maintain body tissues. The dangers of CO poisoning may be higher for certain sensitive persons such as those suffering heart/lung impairments, for pregnant women and smokers, as examples. There is also the possibility of chronic health effects from prolonged exposure to low concentrations of CO. Depending on the degree to which CO results in the lowering of blood oxygen, and the period for which it is lowered, tissue damage or death can occur. The degree of risk is a direct function of the concentration of CO, the duration of exposure and individual sensitivity. Information available to the Commission on the hazard of CO poisoning associated with unvented gas-fired space heaters is predominantly death data. The information suggests that the primary risk is from a high, one-time (acute) exposure to CO emissions. Such acute exposure is of particular concern during sleeping hours. Lack of data other than death data may be related to the fact that symptoms of CO poisoning such as headache, dizziness, and nausea resemble those of other illnesses. The Commission has information on 200 deaths for the period from October 1973 to March 1979. This may represent a conservative estimate because the effects of CO poisoning impact strongly on the cardiovascular and neurological systems of the body and this factor may cause CO deaths to be misdiagnosed and attributed to other physiological causes. Commission data indicate that about 70 deaths a year can be attributed to CO poisoning associated with unvented gas-fired space heaters.

A 1979 Commission study of CO blood levels (COHb) describing 22 autopsy reports of CO poisoning associated with unvented gas-fired space heaters, indicates that if the heaters involved in the incidents had been equipped with ODS as required by the standard, the gas supply to the heaters would probably have been shut off before the fatal COHb blood levels could have been reached in 20 of the 22 cases. On this basis, the Commission estimates that the standard can be expected to reduce the annual estimated death figure of 70 by about 90%.

(c) *Products subject to the rule.* The production of unvented gas-fired space heaters defined at secton 1212.3(t) declined about 70% between 1967 and 1976. This decline may have been due to rising consumer affluence, preference for central heating, or higher purchase prices. In 1976, 182,000 units were produced. In 1977, production was down to about 82,000, possibly in expectation of CPSC regulation. No unvented gas-fired space heaters were produced in 1978. Production began again in 1979 and 120,000 units were manufactured. In 1980, industry also produced 120,000 units. This could increase in the future in light of possible increased demand due to the rapid increase in energy costs and the relatively low operating costs of unvented gas-fired space heaters.

(d) *The need of the public for consumer products subject to the rule.* Owners of unvented gas-fired space heaters are concentrated in southern areas of the U.S. where the climate may make central heating systems uneconomical for certain households. These owners tend to be the elderly and low income groups of this area. The energy efficiency of unvented gas-fired space heaters means fairly low operating costs. Therefore, this product is particularly important for those in the lower socio-economic brackets for whom substitute heaters such as vented gas heaters or electric heaters may be too costly because of higher operating costs.

(e) *Probable effect of the rule on the utility of the product.* The Commission believes that the utility of the product will be greatly increased by the rule. Those who have historically used this form of heating could be assured that heaters equipped with ODS systems are safer than those not so equipped. In addition to safer products for the replacement market, an ODS-equipped heater may appeal to those who may have hesitated to use unvented heaters because of the CO hazard.

(f) *Probable effect of the rule on the cost of the product.* Cost estimates are made on the basis of two known ODS devices. The cost to one of the devices to the heater manufacturers is estimated to be about $2; the other is estimated at about $5.00. In 1980, the retail price of a medium size unvented gas-fired space heater of 25,000 BTU capacity was about $180. The Commission estimates, on the basis of information submitted by industry, that the retail price could increase in a range between $5 and $17.50. Competitive pressures should keep the retail price increase down. Commission economists estimated, on the basis of the 1980 output of 120,000 unvented gas-fired space heaters, that the addition of an ODS would add from $240,000 to $600,000 to the manufacturers' production costs, depending on which ODS is used. Similarly, to the consumer, the price increases would be from $5 to $17.50 per unit or a total consumer price increase of $600,000 to $2.1 million for the 120,000 heaters. The provisions concerning labeling as well as those concerning certification of compliance and recordkeeping are not expected to be a significant part of any price increase. The voluntary standard to which U.S. manufacturers now conform contains provisions on labeling and testing which are generally needed for acceptance by many state and local jurisdictions. In addition, manufacturers currently maintain production records. Thus, since the requirements for certification labeling and recordkeeping are not expected to significantly increase the usual administrative burdens a manufacturer may incur in maintaining this kind of business information, the Commission concludes that the certification, labeling and recordkeeping requirements of the standard are not meaningfully involved in any possible increased costs of this product.

(g) *The probable effect of the rule on the availability of the product.* The Commission believes that the standard would not have a significant effect on the availability of unvented gas-fired space heaters. Historically, the availability of this product declined over the last decade; none appear to have been manufactured in 1978. Production of the heaters for 1980 is about 120,000. This figure is considerably less than the total of 182,000 manufactured in 1976. Further the three known manufacturers of the product have all been actively engaged in measures to equip their heaters with ODS.

(H) *Other means of achieving the objective of the standard.* The Commission considered other means of attaining the objective of the standard—that is, to eliminate or reduce the hazard of CO poisoning associated with unvented gas-fired space heaters. Among the means considered was a CO detector and shutoff device, but the Commission found this to be technically impracticable and economically unfeasible. A temperature limiting device (TLD) to turn off gas supply to the heater when temperature in the room reaches 100°F (38°C), was also considered by the Commission on the theory that high room temperature and high CO emissions were related. Tests at the National Bureau of Standards showed, however, that high concentrations of CO can exist at temperatures below the shutoff point of the TLD. The Commission also considered banning manufacture and distribution of unvented gas-fired space heaters before learning of the ODS and its capability to respond to oxygen depletion and thereby help avoid exposure to high concentrations of CO.

(i) *Reasonable necessity of the rule to eliminate or reduce an unreasonable risk of injury and issuance or the rule being in the public interest.*

The determination of whether a consumer product safety rule is reasonably necessary to reduce an unreasonable risk of injury involves a balancing of the degree and nature of the risk of injury addressed by the rule against the probable effect of the rule on the utility, cost, or availability of the product. These factors have been individually discussed above. The following discussion concerns the relationship of anticipated injury reduction and costs for the requirements of the standard.

The standard consists of two main requirements. The first is that unvented gas-fired space heaters be manufactured with an ODS device. The second is that each heater be labeled with information pertaining to the operation of the ODS and the CO hazard the ODS is designed to reduce. In addition, ancillary requirements for certification of compliance and recordkeeping are established.

As explained above, the estimated cost of one ODS device to a heater manufacturer is $2.00 for one known device, and $5.00 for the other. The estimated range of the retail price increase is between $5.00 and $17.50. (In 1980, the retail price of a medium size unvented gas-fired space heater of 25,000 BTU output is about $180.) Thus, on the basis of the estimated 1980 output of 120,000 unvented gas-fired space heaters, the addition of an ODS would add from $240,000 to $600,000 to manufacturers' costs and from $600,000 to $2.1 million to the retail price for consumers. Significant increases in cost for the certification, recordkeeping, and labeling requirements are not anticipated.

In considering whether the anticipated benefits of the standard are reasonably related to the costs, the Commission has calculated, from its data on deaths attributable to CO poisoning from unvented gas-fired space heaters, the number of deaths assigned to the heaters produced in one year over the lifespan of the heaters. However, it is extremely important to be mindful of the fact that there may be more deaths each year than the Commission's data indicate, and that there are, in all likelihood, many cases of unreported toxic episodes that have not been taken into account in the calculations. Thus, the figures used for estimating benefits of the standard must be considered as minimums.

Based on industry projections it was assumed that 120,000 units would be produced in 1980. Based on industry information, the average life expectancy of such a heater was assumed to be 15 years, plus or minus 5 years (that is, at the end of 15 years, one half of the original 120,000 heaters would still be in use). A maximum lifespan of 25 years was assumed, by the end of which most of the 120,000 heaters would be replaced by newer heaters. From such factors as heater life and number of heaters produced in the past, it was estimated that 7,681,000 heaters were in use in 1977, the same year for which CPSC estimated 70 deaths were associated with unvented gas-fired space heaters. Using the figure 7,681,000 heaters in use and the estimate of 70 deaths per year, an expected death rate associated with CO poisoning of .0000091 per heater was derived. This number was then applied to the 120,000 heaters predicted to be manufactured in 1980, in order to calculate the number of deaths that would occur over the lifespan of these heaters.

For the 120,000 heaters produced in 1980 without an ODS device, it is estimated that 16 lives would be lost. If these 120,000 could have been equipped with ODS devices, and assuming that the ODS is 90 percent effective in preventing CO deaths, the addition of an ODS would save 14 of the 16 lives. (The figure of 16 lives lost is derived over the 25 year lifespan of the heater.)[10] It would be expected that deaths associated with these 1980 produced heaters would rise as the heaters age. The ratio of .0000091, the estimate of 70 deaths a year, and the number of 1980 units in use over 25 years, result in the estimate of 16 lives lost from the 1980 units during their 25 year lifespan. The estimate of 90 percent effectiveness of ODS in reducing CO deaths is based on an examination of autopsy reports for 22 CO deaths. CPSC estimates from the amount of carboxyhemoglobin detected in the autopsies of victims, that 20 of the 22 individuals would have survived if an ODS system had been attached to these heaters and shut off the gas supply when oxygen was depleted below 18 percent.

The benefits to society from lives saved are extremely difficult to estimate in dollars. Therefore, the Commission staff examined price increases of unvented gas-fired space heaters equipped with ODS to determine how much it would cost to save lives that could be lost to heaters not equipped with ODS systems.

If the retail cost estimates of $600,000 to $2.1 million explained above are divided by the number of lives expected to be saved, 14, the ODS device would cost approximately $43,300 to $150,000 per life saved. (This cost figure would, of course, decrease if non-lethal poisoning incidents could be calculated and included.) The Commission concludes that it is inappropriate and further, under the CPSA it is not necessary, to assign a monetary value to human life. Nevertheless, since value-of-life estimates (based either on the discounted future earnings methodology which start at about ¼ million dollars per life, or the willingness-to-pay approach which ranges upward to 2 million dollars per life) are considerably higher than the cost per life saved, the Commission considers adoption of an ODS system to be a worthwhile objective.

The safety benefits (lives saved) by requiring that unvented gas-fired space heaters be equipped with ODS, would occur over a number of years, while costs for such heaters would occur in the year of purchase. In the years following adoption of the standard, the benefits would increase as heaters equipped with ODS devices replace older heaters not similarly equipped. By the time almost all unvented gas-fired space heaters comply with the standard, the expected safety benefits would be 63 lives saved per year.

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[10] It assumes that in the first year of life of the 120,000 heaters, all 120,000 are in use. Therefore, 120,000 heaters times the death rate (.0000091) means that 1.09 deaths occur in the first year. In each succeeding year some of the 120,000 heaters go out of service and thus the number of deaths attributable to that year's production is lowered. When the deaths for each year for 25 years are added together, the result is 16 deaths.

Therefore, after considering the anticipated costs and benefits of this rule and the other factors discussed above, and having taken into account the special needs of elderly and handicapped persons to determine the extent to which such persons may be adversely affected by the rule, the Commission finds that this rule, Part 1212, (including the effective date) is reasonably necessary to eliminate or reduce the unreasonable risk of injury associated with unvented gas-fired space heaters and that promulgation of the rule is in the public interest.

Subpart B—Certification

§ 1212.20 Purpose of Subpart B.

The purpose of this Subpart B is to establish requirements that manufacturers and importers must follow to certify that their products comply with the requirements in Subpart A. This Subpart B includes testing, certification, labeling and recordkeeping requirements.

§ 1212.21 Certification based on testing.

(a) *Requirements.* Certification by manufacturers and importers, as described in section 1212.22, shall be based either on a test of each individual unvented gas-fired space heater equipped with an ODS system or on a reasonable testing program.

(b) *Reasonable testing program.* A reasonable testing program for unvented gas-fired space heaters equipped with ODS is one which provides reasonable assurance that the products conform with the standard. Manufacturers and importers may establish their own reasonable testing programs. At the option of the manufacturer or importer the reasonable testing program may be performed by an independent third party qualified to conduct such testing programs.

§ 1212.22 Certification of compliance.

(a) *Certification requirements for manufacturers.* The manufacturer's certification of compliance for unvented gas-fired space heaters subject to the standard shall appear on a label that is permanently affixed to the heater and can reasonably be expected to last for the lifetime of the product. Such labeling shall be considered a certificate of compliance as that term is used in section 14 of the CPSA.

(1) *Placement of the certification.* The certification required by this section shall be placed on the permanent plate marking label described in section 1212.8(a) and shall be visible and legible to the ultimate consumer.

(2) *Contents of label certification.* (i) the statement of certification required by this section shall be part of the statement required at § 1212.8(a) regarding the presence of the ODS and shall state: "This heater has a Federally-required pilot light safety system".

(ii) The name of the person or firm issuing the certificate, unless permanently affixed elsewhere on the heater in a place easily visible to the consumer. This information may be in code when the product bears a private label provided the code mark permits the seller of such a product to identify the manufacturer thereof to the purchaser upon the purchaser's request.

(iii) The month, year, and place of manufacture, unless permanently affixed elsewhere on the heater in a place easily visible to the consumer. This information may be in code provided the person or firm issuing the certificate retains a written record of the meaning of each symbol used in the code that can be made available upon request by consumers, persons in the distribution chain and CPSC.

(b) *Certification requirements for importers.* The importer of any unvented gas-fired space heater that is subject to the standard is responsible for certification of compliance as required by section 14(a) of the CPSA and subpart (a) of this section. If the testing or reasonable testing program required by § 1212.21(b) of this section has been performed by or for the overseas manufacturer of the heater, the importer may rely on any such tests to support the certificate of compliance if the importer is a resident of the United States or has a resident agent in the U.S. and the records are maintained in the United States in accordance with § 1212.23. The importer bears responsibility for assuring that all testing required to support the certificate of compliance has been performed properly with passing or acceptable results and that all records of such tests are accurate and complete.

§ 1212.23 Records.

Every person responsible for certifying compliance of heaters subject to this standard is responsible for maintaining records of tests or testing programs that are the basis for the certification of compliance, whether the tests are performed by the person responsible for certifying compliance or an independent laboratory. The records shall describe the tests the heaters have been subjected to and the test results. The records shall also identify the heater or group of heaters that are certified as a result of the test data and establish that the heaters which are being marketed and certified to comply with the standard, are identical in every respect that relates to compliance with the standard, to the heaters that were tested for conformance with the standard. The records may be in any format that clearly provides this information. Records shall be maintained for a period of at least three years and shall be made available to CPSC for inspection upon request by a CPSC officer or employee, in accordance with section 16(b) of the CPSA (15 U.S.C. 2065(b)).

Dated: September 11, 1980.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

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  - I-5 Letter from Martin Industries to Commissioners Sloan and Pittle, Concerning Status of Martin Industry Position on Unvented Heaters, May 8, 1979.
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[FR Doc. 80-28597 Filed 9-16-80; 8:45 am]

BILLING CODE 6355-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1212

Proposed Stockpiling Rule for Unvented Gas-Fired Space Heaters

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes a stockpiling rule that, for a period of several months, would prohibit manufacturers of unvented gas-fired space heaters from producing these products in numbers significantly greater than the numbers produced during an earlier production period as specified in the rule. This stockpiling rule involves a Commission safety standard requiring that unvented gas-fired space heaters be equipped with oxygen depletion safety shutoff systems which shut off the heater's gas supply if inadequate ventilation should lead to buildup of hazardous levels of poisonous carbon monoxide. The purpose of the stockpiling rule is to prevent marketing of excessive numbers of products that do not comply with the safety standard between the date the safety standard is issued to June 15, 1981, the date when it goes into effect. The stockpiling rule, by providing that noncomplying products may not be marketed in much greater numbers than were marketed before the safety standard was issued, helps carry out the purpose of the safety standard which is to reduce the unreasonable risk of injury associated with unvented gas-fired space heaters.

DATES: (1) Effective date: The Commission proposes that any final stockpiling rule for this product become effective 30 days after a final stockpiling rule is pubished in the **Federal Register.** (2) Comments on this proposed stockpiling rule should be received by October 17, 1980. Late comments will be considered to the extent practicable.

ADDRESSES: Written comments, preferably in 5 copies, should be submitted to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. All material which the Commission has that is relevant to this proposed rule, may be seen in or obtained from the Office of the Secretary, 3d floor, 1111 18th Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Stanley Morrow, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492-6453.

SUPPLEMENTARY INFORMATION:

Background

The Commission has determined that unvented gas-fired space heaters present an unreasonable risk of injury from carbon monoxide (CO) poisoning. CO, a poisonous gas, is colorless and odorless; thus, the hazard it presents is particularly acute during sleeping hours when it would be expected that people are unaware of its presence. The Commission determined, therefore, that a consumer product safety standard to reduce the risk, is reasonably necessary. Accordingly, on September 29, 1980, the Commission will promulgate a standard requiring that unvented gas-fired space heaters be equipped with oxygen depletion safety shutoff systems (ODS). The ODS, when applied to unvented gas-fired space heaters, does not directly detect the presence of CO; however, it shuts off the gas supply to the heater when oxygen in the surrounding space is so depleted that CO could build to life threatening levels unless the gas supply is cut off.

The standard requires, in addition, that unvented gas-fired space heaters bear a permanently affixed label that warns of the need for the user to provide fresh air when the heater is operating in order to prevent CO buildup. The label describes CO symptoms and provides information on the functioning and maintenance of ODS.

The standard applies to all unvented gas-fired space heaters manufactured and imported on and after June 15, 1981. In determining an optimum effective date, the Commission considered the public need for ODS-equipped heaters and the ability of the industry to produce complying products with minimal disruption of the industry's usual manufacturing practices consistent with the public health and safety. Upon evaluating all the information in the record, including information from those associated with the unvented gas-fired space heater industry, the Commission concluded that June 15, 1981 would be a reasonable effective date. This date is at the end of the usual manufacturing cycle for the unvented gas-fired space heater industry (manufacturing usually begins late in January or early in February and is finished by early June). Thus the June 15, 1981 effective date avoids economic disruption of the industry's usual manufacturing and commercial practices while also providing substantial advance notice of the regulation thereby allowing time for production planning before the next manufacturing cycle. This date also permits time for manufacturers to arrange for comprehensive, full-season field testing of ODS-equipped heaters in typical residences before full-scale production of such heaters is begun in January/February 1982. Technical advisers on the Commission staff as well as from industry conclude that such field tests, by detecting problems that may indicate the need for modification of the ODS-equipped heater, can help ensure that the ODS will perform in a reliable manner, thus providing a product that appropriately fulfills the public need.

The effective date of June 15, 1981 occurs at the end of the manufacturing cycle begun in late January/early February 1981. Since the standard applies only to products manufactured after the effective date, industry is not prohibited from manufacturing unvented gas-fired space heaters that do not contain ODS prior to the effective date. In order that such production be kept to a minimum, the Commission determined when issuing the standard, that it would propose a stockpiling rule to help avoid proliferation of non-ODS heaters in the marketplace. The stockpiling rule, intended to carry out the purpose of Subparts A and B of the standard dealing with technical requirements and certification, respectively, is proposed below as Subpart C of the standard requiring unvented gas-fired space heaters to be equipped with ODS.

Comments on Proposed Stockpiling Rule

As a matter of policy, the Commission generally provides a 60-day comment period for proposed rules although, in this case, a 30-day period is provided. As noted here, the purpose of a stockpiling rule is to avoid excessive production of noncomplying products between the promulgation date and effective date of a safety standard. This purpose can be more readily achieved if a stockpiling rule is effective as close as possible to the date a safety standard is promulgated, for example, by providing for a 30-day rather than a 60-day comment period. To provide as much time as possible for submitting comments to the Commission, copies of the proposed stockpiling rule will be sent directly to firms and trade associations concerned with regulation of unvented gas-fired space heaters. Evaluation of any comment received on the proposal would also have to be completed within a fairly short time period in order to have a stockpiling rule become effective soon after a standard has been issued.

Basis for Stockpiling Rule

Section 9(d)(1) of the CPSA (15 U.S.C. 2058(d)(1) provides that a consumer product safety rule may only apply to products manufactured after the effective date of the rule. The Commission is concerned that the manufacture of unvented gas-fired space heaters not equipped with ODS be kept to a minimum from the date the standard is promulgated until the effective date of the standard, June 15, 1981. To help avoid circumvention of the purpose of the rule, section 9(d)(2) provides that the Commission may issue a rule that prohibits stockpiling. As defined in section 9(d)(2), stockpiling means manufacturing or importing a product between the date a standard is promulgated and its effective date at a rate that is significantly greater than the rate at which the product was manufactured in a base period determined in the stockpiling rule. The Commission concludes that a stockpiling rule is needed to notify the public of the Commission's concern that production of non-ODS heaters be kept to a minimum before the standard becomes effective, and to provide the industry with permissible boundaries for production.

Base Period

To determine a reasonable manufacturing base period for this proposal, the Commission reviewed production figures for unvented gas-fired space heaters. From information provided by industry and other related sources, Commission staff found that production of unvented gas-fired space heaters has declined since 1976 when approximately 182,000 unvented gas-fired space heaters were produced. In 1977, production was greatly curtailed, and in 1978 no production took place. In the 1979 and 1980 production seasons, approximately 120,000 unvented gas-fired space heaters were produced each year. According to industry sources, production in 1981 is also likely to be about 120,000 units.

The Commission concludes from this information that the base period for the stockpiling rule should take into account the apparent stabilization of production that occurred during the production cycles of 1979 and 1980, a phase that is likely to continue in 1981 according to industry representatives. The production figure of 120,000 for each year probably reflects accurately the market needs for this product and appears to be a reasonable basis for selecting a base period for this proposal. Accordingly, the stockpiling rule proposed below would prohibit production of unvented gas-fired space heaters that exceeds by 10% the rate at which persons subject to the standard manufactured or imported unvented gas-fired space heaters during their most productive 365-day period between January 1, 1979 and December 31, 1980. Information available to the Commission suggests that this base period is sufficient to allow for variation in sales that may affect the individual manufacturer or importer; the addition of 10% should be sufficient to allow for ordinary changes in market shares between issuance of the standard requiring unvented gas-fired space heaters to be equipped with ODS and the effective date of the standard, June 15, 1981. A manufacturer or importer of unvented gas-fired space heaters whose business may exceed these limits because of unusual circumstances and not because of stockpiling intended to circumvent the purpose of the rule, may request the Commission to consider an exemption from the stockpiling rule. Such a request would have to be accompanied by supporting data to show that such unusual circumstances sufficiently advance the interest of consumers as to warrant granting an exemption.

At this time, the Commission is unaware of any information indicating any new entrants into the business of manufacturing or importing noncomplying unvented gas-fired space heaters between the time the standard is issued and its effective date, June 15, 1981. However, any persons who may wish to do so should first request the Commission to consider what that person's obligations under the stockpiling rule would be.

Conclusion and Proposal

Based on the foregoing information, the Commission proposes a stockpiling rule providing that between the date of promulgating the standard requiring unvented gas-fired space heaters to be equipped with ODS and its effective date, June 15, 1981, manufacturers and importers of unvented gas-fired space heaters that do not comply with Subparts A and B of the standard at Part 1212, are prohibited from manufacturing or importing such heaters except as provided in the rule proposed below. For purposes of codification in the Code of Federal Regulations, the proposed stockpiling rule is designated Subpart C of the standard requiring that unvented gas-fired space heaters be equipped with ODS. Accordingly, under section 9(d)(2) of the CPSA, the Commission proposes to amend Title 16, Chapter II, Subchapter B of the Code of Federal Regulations by adding to Part 1212 a Subpart C as follows:

Subpart C—Stockpiling

§ 1212.30 Prohibited stockpiling.

(a) *General.* This Subpart prohibits stockpiling between the date this Part 1212 was promulgated and its effective date, June 15, 1981, of products that do not comply with Subparts A and B of Part 1212.

(b) *Stockpiling.* "Stockpiling" means manufacturing or importing products that do not comply with Subparts A and B, at a rate that is significantly greater than the rate the product was manufactured or imported during a base period prescribed by the Consumer Product Safety Commission.

(c) *Prohibited acts.* Stockpiling of unvented gas-fired space heaters that do not comply with Subparts A and B at a rate that exceeds by 10% the rate at which the product was manufactured or imported during the base period described in paragraph (d) of this section is prohibited.

(d) *Base period.* The base period for unvented gas-fired space heaters that do not comply with Subparts A and B is, at the option of each manufacturer or importer, any period of 365 consecutive days beginning on or after January 1, 1979 and ending on or before December 31, 1980.

(Sec. 9(d)(2), Pub. L. 92–573, 86 Stat. 1215, 5 U.S.C. 2058(d)(2))

Dated: September 11, 1980.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 80-28598 Filed 9-16-80; 8:45 am]

BILLING CODE 6355-01-M

federal register

Wednesday
September 17, 1980

Part IV

Department of the Interior

Fish and Wildlife Service

Determination of Potentilla Robbinsiana To Be an Endangered Species, With Critical Habitat

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Determination of Potententilla robbinsiana To Be an Endangered Species, With Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines *Potentilla robbinsiana* (Robbins cinquefoil) to be an Endangered species and determines its Critical Habitat under the authority contained in the Endangered Species Act. Historically this plant was known to occur in New Hampshire and Vermont. This plant presently occurs in New Hampshire solely on public lands administered by the U.S. Forest Service. The plant is threatened by human trampling and natural factors. This determination of *Potentilla robbinsiana* to be an Endangered species will implement the protection provided by the Endangered Species Act of 1973 as amended.

DATES: This rule becomes effective on October 17, 1980.

ADDRESSES: Questions concerning this action may be addressed to the Director (FWS/OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Chief, Office of Endangered Species, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, 703/235-2771.

SUPPLEMENTARY INFORMATION: *Potentilla robbinsiana* (Robbins cinquefoil) was first discovered in 1829 by James Robbins for whom it was later named (Pease, 1917). This small perennial plant is a member of the rose family and forms densely tufted rosettes of leaves measuring 2–4 cm across. The yellow flowers are borne solitarily on stems, measuring only 1–3 cm long. *Potentilla robbinsiana* historically occurred in alpine areas of New Hampshire and Vermont. The habitat of this plant can be described as treeless, nearly barren fell-fields above 4,000 feet where the climate is extremely harsh. The substrate in which these plants occur has been described as a shallow loamy sand topped with a stony, pavement-like surface. This stony surface layer protects the soil from being either blown or washed away. The continued existence of this plant and the fragile habitat in which it occurs are being threatened by trampling and other factors. This rule determines *Potentilla robbinsiana* to be Endangered and implements the protection provided by the Endangered Species Act of 1973. The following paragraphs further discuss this action, the threats to the plant, and the effects of the action.

Background

Section 12 of the Endangered Species Act of 1973 directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94–51, was presented to Congress on January 9, 1975. On July 1, 1975, the Director published a notice in the **Federal Register** (40 FR 27823) of his acceptance of the report of the Smithsonian Institution as a petition within the context of Section 4(c)(2) of the Act, and of his intention thereby to review the status of the plant taxa named within. On June 16, 1976, the Service published a proposed rulemaking in the **Federal Register** (41 FR 24523) to determine approximately 1,700 vascular plant species to be Endangered species pursuant to Section 4 of the Act. Comments on this proposal were summarized in the April 26, 1978, **Federal Register** publication of a final rule which also determined 13 plants to be either Endangered or Threatened species (43 FR 17909). *Potentilla robbinsiana* was included in the Smithsonian's report, the July 1, 1975, notice of review, and the June 16, 1976, proposal.

The Endangered Species Act Amendments of 1978 required that all proposals over two years old be withdrawn. A one year grace period was given to proposals already over two years old. On December 10, 1979, the service published a notice withdrawing the June 16, 1976 proposal along with four other proposals which had expired.

Based on sufficient new information the Service reproposed *Potentilla robbinsiana* on March 24, 1980, and proposed its Critical Habitat for the first time (45 FR 19004). A public meeting was held on this proposal on April 28, 1980, in Concord, New Hampshire.

The regulations to protect Endangered and Threatened plant species appear at 50 CFR Part 17 and establish the prohibitions and a permit procedure to grant exceptions, under certain circumstances, to the prohibitions.

The Department has determined that this is not a significant rule and does not require the preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Summary of Comments and Recommendations

In the March 24, 1980, **Federal Register** proposed rule (45 FR 19004) and associated notifications and press releases, all interested parties were invited to submit factual reports or information which might contribute to the development of a final rule. Letters were sent to the Governors of New Hampshire and Vermont, the U.S. Forest Service, and local governments notifying them of the proposed rule and soliciting their comments and suggestions. All comments received during the period from March 24, 1980, through June 23, 1980, were considered and these are discussed below.

The Governor of New Hampshire commented that the State of New Hampshire concurred with the proposal of *Potentilla robbinsiana* to be an Endangered species and to determine its Critical Habitat.

No comment was received from the Governor of Vermont. During the early information gathering phase of the Service's efforts to propose *Potentilla robbinsiana*, Vermont's Agency of Environmental Conservation provided one written response. This response noted that the State of Vermont would be in accord with an action to declare *Potentilla robbinsiana* to be Endangered.

Five other written comments were received in relation to the proposal of *Potentilla robbinsiana* to be Endangered. On April 11, 1980, the Forest Supervisor of the White Mountain National Forest (U.S. Forest Service) noted his concurrence with the proposal and that USFS personnel have supplied input on the proposal to the Service's Regional Office in Massachusetts.

The Appalachian Mountain Club (AMC) commented that it believes protection for *Potentilla robbinsiana* is desirable but also noted some questions and concerns about the proposal. These included: concern over how the Critical Habitat designation might affect the operation of its Lakes of the Clouds Hut; relocation of the Crawford Path through the Critical Habitat; and the omission of the Franconia Ridge (historical distribution of *Potentilla robbinsiana)* area from the Critical Habitat. The AMC also recommended and is carrying out educational programs to try to reduce the trampling of the *Potentilla robbinsiana.* Service Response: Protection of *Potentilla robbinsiana* should not affect the AMC's operation of the Lakes of the Clouds Hut except for its added involvement in educating hikers of the vulnerability of the

Potentilla. The U.S. Forest Service, the Fish and Wildlife Service, the AMC, and local botanists are all cooperating in a study to determine if and how the Crawford Path should be relocated in order to protect *Potentilla robbinsiana.* The Franconia Ridge, a historical location for *Potentilla robbinsiana,* was not included in the Critical Habitat at this time in order to allow the Forest Service more time for planning. The Forest Service is carrying out studies this summer to determine which areas are most suitable for reintroduction sites. These may include Franconia Ridge and, if so, they will be proposed as part of the Critical Habitat in the future.

The Potomac Backpackers, the Washington, D.C. area chapter of the International Backpackers Association, commented that it supported the proposal of *Potentilla robbinsiana* and its Critical Habitat. It noted its support of the U.S. Forest Service's efforts to protect this plant and that it recognizes it's obligation, as trail users, to assure that its activities do not have serious deleterious impacts.

One environmentalist from Rhode Island commented that he strongly favored the protection of *Potentilla robbinsiana* and stated that the Vermont habitat should also be included in the Critical Habitat.

Service Response: All populations of *Potentilla robbinsiana* are covered by this listing and will be offered the protection of the Endangered Species Act. In the future, after additional study and protection planning have taken place, additional sites may be proposed as Critical Habitat.

One comment was received from the Audubon Society of New Hampshire which supported the listing and also cited references which favor Endangered status for *Potentilla robbinsiana.*

The public meeting which was held on April 28, 1980, on the proposal of *Potentilla robbinsiana* to be Endangered and to determine its Critical Habitat was attended by 10 people. Personnel from the Service and the U.S. Forest Service made presentations to inform those attending of the proposed action. One person commented and questions and a discussion followed. All comments favored listing *Potentilla robbinsiana* as Endangered and determining its Critical Habitat.

Conclusion

After a thorough review and consideration of all the information available, the Director has determined that *Potentilla robbinsiana* Oakes (Robbins cinquefoil) is in danger of becoming extinct throughout all or a significant portion of its range due to one or more of the factors described in Section 4(a) of the Act.

These factors and their application to *Potentilla robbinsiana* are as follows:

(1) *Present or threatened destruction, modification, or curtailment of its habitat or range.* Historically, *Potentilla robbinsiana* has been known from two locales in the White Mountains of New Hampshire and from one locale in Vermont. One 1800's herbarium sheet was reportedly collected in Vermont. The recently discovered, extant, Vermont population of *Potentilla robbinsiana,* which was discussed in the proposal, was verified in July, 1980, to be a plant other than *Potentilla robbinsiana.* Today *Potentilla robbinsiana* is known from only one locale in New Hampshire, where the population has been greatly reduced and impacted by man.

The locale in New Hampshire where *Potentilla robbinsiana* still exists is in the Presidential Range of the White Mountains. This site is bisected by the Appalachian Trail which was constructed in the summer of 1819 (Burt 1960). In 1840 the trail was expanded to a bridle path opening the way to horseback parties. Although *Potentilla robbinsiana* was discovered at this site in 1829, little was known of its population dynamics and changes until recent years. Mr. F. L. Steele, a botanist, has noted that the *Potentilla robbinsiana* plants now occupy only about ¼ of the territory they occupied in 1934. Mrs. S. K. Harris, a botanist, noted plants were growing on both sides of the trail as recently as 1965, but by 1972 the plants were noted as being totally absent from the west side of the trail. Today they only exist on the east side of the trail and most plants within 8 meters of the trail have been destroyed. At present the hiker travel zone is widening at this site and further destruction of the *Potentilla robbinsiana* population will likely occur (Graber, 1980).

The second New Hampshire locale where *Potentilla robbinsiana* was once known to occur was on the Franconia Ridge of the White Mountains. Two populations, a north and a south station, were known from this locale. Both of these stations were traversed by the Appalachian Trail. The north station population was discovered in 1897 and has not been relocated for nearly 65 years. The south station population was discovered in 1915. Mr. F. L. Steele observed three small clumps of *Potentilla robbinsiana* at this station in 1965, but subsequent searches, including extensive searches in 1977 and 1978, have not been able to relocate any plants at the south station (Graber, 1980). *Potentilla robbinsiana* may have been extirpated from both these sites.

The reason for this decline at both locales has been primarily due to hiker impacts. Hiker traffic on the Appalachian Trail in the White Mountains has increased dramatically in recent years. The nearly barren, fell-field habitat which the *Potentilla robbinsiana* occupies is open and offers no obstacle to hikers wandering off the trail, to groups wishing to walk abreast, or to illegal campers. Plants may actually be trampled and crushed but even more damaging to the population is the hiker-caused shifting and dislodging of the stony, pavement-like surface. Once this stony pavement-like surface is disturbed by the abrasion and churning caused by the hiker's foot, the soil between the stones is loosened and is soon blown or washed away and with it *Potentilla robbinsiana's* habitat. Once disturbed, these fragile alpine habitats and plant communities take many years to recover. A long term solution to this problem may be to reduce greatly the human traffic in the areas where *Potentilla robbinsiana* occurs (Graber, 1980).

(2) *Overutilization for commercial, sporting, scientific or educational purposes.* Steele (1964) points out that one factor threatening *Potentilla robbinsiana* is over-zealous collecting by botanists. He sites this as the probable cause of the extirpation of one of the Franconia sites. Graber (1980) also notes that the collecting of specimens of *Potentilla robbinsiana* for herbaria has also taken its toll. Graber notes that over 40 herbarium sheets containing nearly 100 plants (6 percent of the known current mature population) have been counted in various New England herbaria.

(3) *Disease or predation* (including grazing). Not applicable to this species.

(4) *The inadequacy of existing regulatory mechanisms.* Although *Potentilla robbinsiana* does appear on State lists which were developed by botanists within New Hampshire and Vermont, no State legislation currently offers it specific protection in either state. The habitat type (alpine areas) of *Potentilla robbinsiana* is offered some protection by Vermont State law. Vermont's Land Use and Development Law (Title 10 of Vermont Statutes, Part 5, Chapter 151, Act 250, Subchapter 3, Sec. 6042) does restrict what kinds of development can take place in certain *special areas.* The rules of the environmental board include alpine areas as *special areas* and they are therefore offered some protection. Sec. 6086 of this same Act also requires the

consideration of wildlife habitat and endangered species in the permitting of developments or subdivisions.

The Forest Service's regulations governing the land on which this species occurs prohibit removing, destroying, or damaging any plant that is classified as a threatened, endangered, rare, or unique species (36 CFR 261.9). These regulations, however, may be difficult to enforce. The Endangered Species Act will offer additional protection to this species.

(5) *Other natural or man-made factors affecting its continued existence.* The small size and number of populations cause this species to be in greater danger of extinction due to natural fluctuations.

Another major cause of *Potentilla robbinsiana* mortality in addition to trampling is the harsh climate of the area where the plants occur. Only 40 percent of the seedlings survive each year and during the first few years after germination the mortality rate of the plants is very high.

Frost heaving during the spring and fall is the most frequent natural cause of plant death. Many seedlings also die during the hot, dry periods from what is believed to be drought stress. Trampling may also contribute to high seedling mortality. After the first few years the mortality rate decreases and plants may survive two or more decades with some plants approaching an age of 40 years (Graber, 1980). This high mortality rate in seedlings and young plants is not terribly unusual in the plant kingdom but for a plant which is already declining in numbers this can make it even more vulnerable.

Critical Habitat

The Act defines "Critical Habitat" as "(i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of Section 4 of this Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographic area occupied by the species at the time it is listed in accordance with the provisions of Section 4 of this Act, upon a determination by the Secretary that such areas are essential for the conservation of the species."

Critical Habitat for *Potentilla robbinsiana* is being determined to include the area in New Hampshire where the species currently occurs. In the future, adjacent suitable habitat may be included so as to provide areas for management, reintroduction, and natural expansion. Therefore, the Critical Habitat delineated does not necessarily include the entire area necessary for the survival of *Potentilla robbinsiana* throughout its range, and modifications of this Critical Habitat designation may be proposed in the future.

Any activity which would result in increased trampling or disturbance of the fragile alpine areas where *Potentilla robbinsiana* occurs would probably adversely modify the Critical Habitat. A long term solution on how best to protect *Potentilla robbinsiana* may be to reduce greatly the human traffic in the area where this plant occurs. This may require prohibiting the development of new trails in areas where the plant occurs, relocating old trails, or other steps by the Forest Service.

Section 4(b)(4) of the Act requires the Service to consider economic and other impacts of specifying a particular area as Critical Habitat. The Service has prepared an impact analysis and believes at this time that economic and other impacts of this action are not significant in the foreseeable future. The Service has worked with the U.S. Forest Service, which has jurisdiction over the land and water under consideration. The impacts upon the Forest Service should be minimal and only require a small commitment of manpower and resources to properly protect and manage *Potentilla robbinsiana.* The U.S. Forest Service, the Appalachian Mountain Club (AMC), other Federal agencies, and other interested persons or organizations were requested to submit information on economic and/or other impacts. The Service prepared the final impact analysis based upon these comments and other information. This document served as the basis for the decision whether to exclude any area from Critical Habitat for *Potentilla robbinsiana.*

Areas of potentially suitable habitat and historical locations were excluded from the Critical Habitat in order to allow the Forest Service more time in which to incorporate plans for protecting *Potentilla robbinsiana* into their unit plan and to better identify which areas are most desirable for reintroduction. The Forest Service, the Fish and Wildlife Service and the AMC are currently working together to identify additional areas necessary for the conservation of this species and those may be proposed as additional Critical Habitat in the future.

Effects of the rule

In addition to the effects discussed above, the effects of this rule will include, but will not necessarily be limited to, those mentioned below. The Act and implementing regulations published in the June 24, 1977, Federal Register (42 FR 32373) set forth a series of general prohibitions and exceptions which apply to all Endangered plant species. All of those prohibitions and exceptions also apply to any Threatened species, excluding seeds of cultivated plants treated as Threatened, unless a special rule pertaining to that Threatened species has been published and indicates otherwise. The regulations referred to above, which pertain to Endangered and Threatened plants, are found at §§ 17.61 and 17.71, of 50 CFR and are summarized below.

With respect to *Potentilla robbinsiana* all prohibitions of Section 9(a)(2) of the Act, as implemented by § 17.61 would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. Certain exceptions would apply to agents of the Service and State conservation agencies. The Act and 50 CFR § 17.62 also provide for the issuance of permits to carry out otherwise prohibited activities involving Endangered or Threatened species under certain circumstances. International and interstate commercial trade in *Potentilla robbinsiana* does not exist. It is anticipated that few permits involving plants of wild origin would ever be issued, since this plant is not common in the wild or in cultivation. Additional paperwork and permits required for the public would be minimal in the case of *Potentilla robbinsiana.*

Section 7(a) of the Act requires Federal agencies to evaluate their actions with respect to any species which is listed as Endangered or Threatened. This protection will now accrue to *Potentilla robbinsiana.* Provisions for Interagency Cooperation implementing Section 7 are codified at 50 CFR Part 402. These require Federal agencies not only to insure that activities they authorize, fund, or carry out, are not likely to jeopardize the continued existence of *Potentilla robbinsiana,* but also to insure that their actions are not likely to result in the destruction or adverse modification of its Critical Habitat which has been determined by the Director. A discussion of the Forest Service's involvement appears in the Critical Habitat section of this rule. No other

Federal involvement is foreseeable at this time.

National Environmental Policy Act

An environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia, and may be examined during regular business hours, by appointment. This assessment forms the basis for a decision that this is not a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

Author

This rule is being published under the authority contained in the Endangered Species Act of 1973, as amended (16 U.S.C. 1531–1543; 87 Stat. 884). The primary author of this rule is Ms. E. LaVerne Smith, Washington Office of Endangered Species (703/235–1975).

Literature Cited

Burt, F. A. 1960. The Story of Mount Washington. Dartmouth Publications, Hanover, New Hampshire.

Graber, R. E. 1980. The life history and ecology of *Potentila robbinsiana. Rhodora*: 82(829): 131–140.

Pease, A. S. 1917. Notes on the botanical explorations of the White Mountains. *Appalachia* 14:157–178.

Steele, F. L. 1964. *Potentilla robbinsiana* in the White Mountains of New Hampshire. *Rhodora* 66:408–411.

Regulations Promulgation

Accordingly, § 17.12 of Part 17 of Chapter I of Title 50 of the U.S. Code of Federal Regulations is amended, as set forth below.

1. Section 17.12 is amended by adding, in alphabetical order, the following plant:

§ 17.12 Endangered and threatened plants.

Species		Historic range	Status	When listed	Critical habitat	Special rule
Scientific name	Common name					
Rosaceae—Rose family:						
Potentilla robbinsiana	Robbins' cinquefoil	U.S.A. (NH and VT)	E	....	17.96(a)	NA

2. Section 17.96(a) is amended by adding the Critical Habitat of *Potentilla robbinsiana* after that of the Poaceae—*Zizania texana*, as follows:

Robbins' cinquefoil—Family Rosaceae: (*Potentilla robbinsiana*). New Hampshire, Coos County; the area is a strip of land 4,066 feet long and 450 feet wide with east and west boundaries running parallel to Trail A (see map): starting at the north junction of Trail A and B and ending at their southern junction with two-thirds of the strip (300 ft.) lying to the east and south of Trail A and with one-third (150 ft.) lying to the west and north of Trail A.

Dated: August 29, 1980.

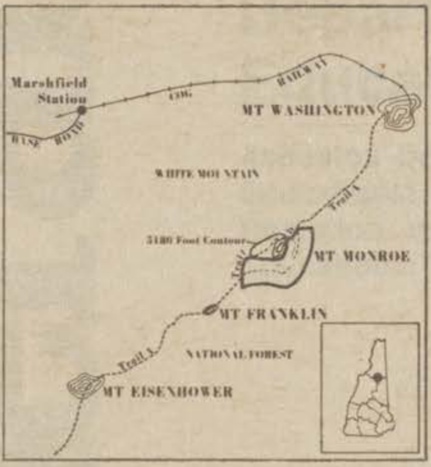
Robert S. Cook,

Acting Director, Fish and Wildlife Service.

[FR Doc. 80-28609 Filed 9-16-80; 8:45 am]

BILLING CODE 4310-55-M

Robbins' Cinguefoil
Coos County, New Hampshire



federal register

Wednesday
September 17, 1980

Part V

Department of Education

Asbestos Detection and Control: Local Educational Agencies; Asbestos Detection and State Plan: State Educational Agencies

DEPARTMENT OF EDUCATION

34 CFR Parts 230 and 231

Asbestos Detection and Control: Local Educational Agencies; Asbestos Detection and State Plan: State Educational Agencies

AGENCY: Department of Education.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Secretary of Education proposes regulations to implement the Asbestos School Hazard Detection and Control Act of 1980. These proposed regulations establish procedures to make available Federal grants to assist local educational agencies (LEAs) and State educational agencies (SEAs) in the identification of asbestos hazards in school buildings and Federal interest-free loans to LEAs to correct those hazards.

DATES: Comments must be received on or before November 3, 1980.

ADDRESSES: Comments should be addressed to Dr. Herman Goldberg, U.S. Department of Education, Room 2079, FOB-6, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Dr. Herman Goldberg. Telephone: (202) 245-8094.

SUPPLEMENTARY INFORMATION.

A. Background and Overview

The Asbestos School Hazard Detection and Control Act of 1980, Pub. L. 96-270 (referred to in this preamble as the Act), was enacted by the Congress in response to scientific evidence that asbestos—which was commonly used in building materials in school facilities—poses an imminent hazard to the health and safety of school children and school employees if the asbestos fibers are capable of being released into the school building environment.

At present no funds have been appropriated under the Act, and it is possible that no funds will be appropriated during the period in which the LEA conducts its required detection activities. However, should the Congress in the future appropriate funds under this Act, an LEA that conducted an asbestos detection project since January 1, 1976 in compliance with the appropriate procedures and standards in these regulations will be eligible to receive a grant from the Secretary as partial reimbursement for its costs.

The Act requires each State to submit to the Secretary of Education (referred to in this preamble as the Secretary) a State plan for dissemination information and keeping records on asbestos programs and, also, authorizes—

(1) Grants to LEAs and SEAs for the identification of asbestos hazards in school buildings; and

(2) Loans to LEAs to correct those hazards.

In addition, the Act establishes a Task Force composed of ten individuals—six representing specified Government agencies and four representing organizations concerned with education and health. The duties of the Task Force include advising the Secretary on the standards for identifying and correcting asbestos hazards in school buildings and on applications for grants and loans.

These proposed regulations are divided into two parts. Part 230 (Asbestos Detection and Contol: Local Educational Agencies) describes how an LEA may—if funds become available—be eligible for and apply for a grant to conduct an asbestos detection project. This type of project consists of activities to test building materials to identify asbestos hazards in schools.

It should be noted that, under the Act, an LEA is defined to include the governing authority of a nonprofit private elementary or secondary school.

Part 230 also describes how an LEA may—if funds become available—be eligible for and apply for a loan to conduct an asbestos control project. This type of project consists of activities to correct imminent hazards to the health and safety of school children and school employees posed by the presence of asbestos in school building materials.

Part 231 (Asbestos Detection and State Plan: State Educational Agencies) describes how an SEA may—if funds become available—be eligible for and apply for a grant partially reimbursing its State if that State has made or is making grants to its LEAs to conduct asbestos detection projects.

Part 231 also implements the statutory requirement that the SEA in any State receiving Federal funds for the adminstration of any applicable program (as defined in Section 400(c)(1)(A) of the General Education Provisions Act) submit to the Secretary a State plan. This plan must contain, among other things, a description of how the State proposes to distribute to its LEAs information on the asbestos detection and control programs under the Act and how the State proposes to maintain records on any detection and control activities in its LEAs.

These proposed regulations are to be used in conjunction with regulations that are being proposed by the Environmental Protection Agency (EPA)—under the Toxic Substances and Control Act of 1976—on asbestos in schools. Those proposed regulations—published elsewhere in this issue of the **Federal Register**—require LEAs to conduct detection activities to identify in school buildings friable building materials containing asbestos and to maintain records on those activities.

The Department of Education and EPA have made every effort to coordinate their requirements and procedures in order to avoid duplication and inconsistencies in the agencies' respective regulations. Comments received on provisions relevent to both agencies will be exchanged between the agencies.

An LEA—being required by EPA regulations to detect friable building materials containing asbestos—should be eligible to apply for a grant from the Secretary under the LEA Asbestos Detection Program.

Despite the lack of an appropriation for these programs, every SEA should note that it must comply with the provisions in Part 231 concerning the submission of the State plan by December 15, 1980, as required by the Act.

B. Summary of the Major Provisions

1. *Eligibility under the LEA Asbestos Detection and Control Programs (§ 230.2).*

This section describes the requirements an LEA must meet to be eligible for Federal assistance under the LEA Asbestos Detection and Control Programs.

An LEA is eligible for a grant under the LEA Asbestos Detection Program if that LEA proposes to conduct, or has conducted since January 1, 1976, an asbestos detection project in compliance with the applicable procedures and standards prescribed in these proposed regulations.

To avoid penalizing an LEA that undertook an asbestos detection project before the publication of these procedures and standards, this section defines "compliance" to mean "substantial compliance" if the project was conducted between January 1, 1976 and the effective date of these regulations.

However, if an LEA conducted a project after the effective date of these regulations but before the Congress appropriated funds for the detection program, that LEA would be eligible for retroactive assistance only if its project were conducted in full compliance with the applicable procedures and standards prescribed in these proposed regulations.

This section also provides that, before an LEA is eligible for a loan under the LEA Asbestos Control Program, that LEA must have conducted an asbestos detection project in compliance (or, between January 1, 1976 and the effective date of these regulations, in substantial compliance) with the applicable procedures and standards required in these regulations.

In addition, an LEA does not qualify for a loan unless the project involves more than 2,500 square feet of surface and meets the criteria established by the Secretary, under the Act, for determining eligibility for loans. These criteria will be established when appropriations become available for the LEA Asbestos Control Program.

Also, this section defines "compliance" to mean "substantial compliance" if a control project was conducted prior to the date that loans are available.

2. *Amount of Award to an LEA (§§ 230.30, 230.32, 230.33, and 230.34).*

These sections describe the amount of a grant in LEA may receive for an asbestos detection project and the amount of a loan an LEA may receive for an asbestos control project.

Section 230.30 provides that, generally, the Secretary makes a grant equal to 50 percent of the costs that an eligible LEA incurs or has incurred in conducting an asbestos detection project. The other 50 percent of the costs of the project is to be borne by the LEA through non-Federal monies. This 50 percent limitation on the amount of Federal assistance also applies to loan awards, as described in § 230.32.

However, an eligible LEA may qualify for a grant or loan greater than 50 percent if the Secretary determines—on the basis of one or more of the factors listed in each of paragraphs (b) and (c) of § 230.33—that the LEA has limited financial resources and would be unable to participate without an increased award. If appropriations are insufficient to meet the 50 percent levels of assistance, § 230.34 provides that the Secretary may consider one or more of the factors listed in each of parapraphs (b) and (c) of § 230.33 in determining which LEAs have the greatest financial need for assistance under this program.

The amount of an award to which the Secretary determines the grantee is entitled constitutes the Federal share. The Secretary does not make an award greater than this Federal share. This amount applies whether Federal funds for this project are paid directly to the LEA, or to the SEA (under 34 CFR Part 231) as reimbursement for funds that State has paid to the LEA, or are paid to both the LEA and the SEA.

For example, the Secretary determines that, for a certain LEA, the Federal share is to be 50 percent. The State, which is making grants to help the LEA conduct its asbestos detection project, applies to the Secretary for a reimbursement grant under the SEA Asbestos Detection Program in 45 CFR Part 231. The LEA also applies to the Secretary for a grant, under the LEA Asbestos Detection Program in 34 CFR Part 230.

If the State is funding 80 percent of the costs of the LEA's detection project, and if the Secretary makes a grant to the SEA equal to one half of the State's total award to the LEA, the Secretary is, in effect, funding 40 percent of the LEA's project through the reimbursement to the State.

Therefore, the Secretary makes a grant to the LEA under the LEA Asbestos Detection Program in an amount no greater than 10 percent of the costs of that LEA's project. The total of 40 percent and 10 percent is equal to the Federal share of 50 percent of that project.

3. *Standards and Procedures for Conducting LEA Asbestos Detection and Control Projects (§§ 230.40, 230.42, 230.43, 230.45, 230.46, and 230.47).*

These sections describe technical procedures and standards to which an LEA must adhere when conducting either an asbestos detection project or an asbestos control project. These sections also prescribe standards that a grantee must use to determine the qualifications of any contractor it hires to carry out an asbestos detection project or an asbestos control project.

The Secretary has relied heavily on the technical and scientific expertise of EPA in establishing these procedures. Most of the procedures and standards prescribed in these proposed regulations for conducting an asbestos detection project have been adopted directly from those procedures established in EPA's proposed regulations for asbestos in schools (40 CFR Part 763) published elsewhere in this issue of the **Federal Register.**

Many of the other procedures—such as those to evaluate the likelihood of leakage of asbestos fibers, to contain or remove building materials containing asbestos, and to determine the qualifications of a contractor—have been adopted from guidelines of EPA.

These guidelines continue to be evaluated by EPA. The Secretary, therefore, invites interested parties to assist in this assessment of the guidelines, as well as of the other procedures and standards in these proposed regulations. In addition, the Secretary welcomes recommendations—with accompanying assessments—of any other procedures and standards that might be used in meeting the statutory requirements on which these proposed regulations are based.

The heavy reliance on EPA procedures is part of a larger effort, described in Part A of this preamble, to coordinate the requirements and procedures in the respective agencies' proposed regulations, as specified in the Act. These procedures and standards are subject to changes in the final regulations. Changes will be based on a consideration of public comments received on both sets of proposed regulations, results of further scientific and technical research, and a review of the proposed regulations by the Task Force.

4. *Eligibility under the SEA Asbestos Detection Program (§ 231.2).*

To encourage a State to establish its own asbestos detection program in which grants are made by the State to help its LEAs conduct asbestos detection projects and to benefit a State that already has this type of program, Part 231 of these regulations establishes a Federal grant reimbursement program for SEAs.

Section 231.2 provides that an SEA is eligible for a grant under the SEA Asbestos Detection Program if the State—through the SEA or other appropriate State agency—has made or is making grants to its LEAs to conduct asbestos detection projects that comply (or, if the projects were conducted between January 1, 1976 and the effective date of these regulations, substantially comply) with the technical procedures and standards prescribed in these regulations. Loans for asbestos control projects are not available to the SEA.

5. *Amount of the Grant to an SEA (§§ 231.30, 231.31, and 231.32).*

These sections describe the amount of a grant an SEA may receive under the SEA Asbestos Detection Program. Section 231.30 provides that, generally, the Secretary makes a grant equal to 50 percent of the State's award to its LEAs to conduct asbestos detection projects.

However, as described in § 231.31, an eligible SEA may qualify for a grant greater than 50 percent if the Secretary determines that the SEA has limited financial resources and would be unable to participate in the SEA Asbestos Detection Program without an increased award.

Section 231.32 provides that, in the event appropriations are insufficient to meet the standard level of assistance (50 percent), the Secretary may determine which SEAs have the greatest need for assistance by considering the percentage of a State's LEAs that have applied to the State for assistance and the needs of these LEAs.

Section 231.30 reflects the principle stated in 34 CFR 230.30 that the

Secretary may restrict the amount of a grant to ensure that an LEA does not receive an award greater than the Federal share that the Secretary has determined. An illustration of this principle is provided in item 2 of this Summary of the Major Provisions.

6. *The State Plan (§§ 231.70–231.73).* These sections implement certain statutory provisions required of any State receiving Federal funds for the administration of any applicable program (as defined in Section 400(c)(1)(A) of the General Education Provisions Act) and of the SEA of that State. These sections apply whether or not that State or its LEAs participate in the asbestos detection or control programs under the Act.

Section 231.70 describes the contents of the State plan that an SEA must submit to the Secretary no later than December 15, 1980. This plan must contain, among other things, a description of the manner in which the State proposes to distribute to its LEAs the information required in § 231.71, a description of the procedures the State will use for maintaining the records described in § 231.72, and the designation of a State agency or other State administrative unit responsible for submitting to the Secretary the reports required in § 231.73.

Section 231.71 requires a State, not later than March 15, 1981, to distribute to each of its LEAs information describing the asbestos detection and control programs, the procedures and standards for conducting those programs, and the health hazards associated with exposure to asbestos fibers.

To reduce the burden on a State, this section provides that a State that distributes to each of its LEAs a copy of the regulations in 34 CFR Parts 230 and 231, including all appendices, is considered by the Secretary to be in compliance with some of the distribution requirements.

Section 231.72 requires a State to maintain records on the detection and control activities of each of its LEAs and the presence, if any, of friable building materials containing asbestos in each LEA's schools.

Section 231.73 requires a State to submit to the Secretary at six-month intervals reports that describe what the State has done with regard to the distribution of required materials and the maintenance of required records.

A large part of the coordination efforts between the Department of Education and EPA involved integrating, to the extent possible, the record-keeping requirements in the proposed regulations of both agencies.

EPA is requiring, in its proposed regulations published today, that each LEA—by completing a certain form prescribed by EPA—retain records on its detection activities and on the amount of friable building materials containing asbestos found as a result of those activities. To reduce the burden on an SEA in complying with the record-keeping requirements under the Department's proposed regulations, § 231.72(e) provides that a State that maintains a copy of the record-keeping form completed by each of its LEAs in compliance with EPA regulations is considered by the Secretary to be in compliance with the requirements in § 231.72 for maintaining records on detection activities of its LEAs and the presence, if any, of friable building materials containing asbestos in each LEA's schools.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding the proposed regulations and appendices. Written comments and recommendations may be sent to the address given at the beginning of this preamble. All comments received on or before the 45th day after publication of this document will be considered in the development of the final regulations.

All comments submitted in response to these proposed regulations and appendices will be available for public inspection, during and after the comment period, in Room 2079, FOB–6, 400 Maryland Avenue, S.W., Washington, D.C. between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these proposed regulations.

(Catalog of Federal Domestic Assistance No. not assigned yet)

Dated: Sep. 5, 1980.

Shirley M. Hufstedler,
Secretary of Education.

The Secretary amends Title 34 of the Code of Federal Regulations by adding a new Part 230 to read as follows:

PART 230—ASBESTOS DETECTION AND CONTROL: LOCAL EDUCATIONAL AGENCIES

Subpart A—General

Sec.
230.1 Asbestos Detection and Control: Local Educational Agencies.
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230.42 How does a grantee evaluate the likelihood of leakage of asbestos fibers?
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230.50 What are the rules for repayment of a loan?

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230.60 What report must a grantee submit?

Appendix A—Asbestos Exposure Assessment Algorithm and Corrective Action Scale

Appendix B—Procedures for Containing and Removing Asbestos-Containing Building Materials

Authority: The Asbestos School Hazard Detection and Control Act of 1980. Pub. L. 96–270 (20 U.S.C. 3601–3611, 94 Stat. 487) and Section 414(a) of the Department of Education Organization Act, Pub. L. 96–88 (20 U.S.C. 3474(a), 93 Stat. 685)

Subpart A—General

§ 230.1 Asbestos detection and control: Local educational agencies.

The Asbestos Detection and Control Programs for Local Educational Agencies (LEAs) consist of—

(a) *LEA Asbestos Detection Program.* This program provides Federal grants to LEAs to identify asbestos hazards in school buildings; and

(b) *LEA Asbestos Control Program.* This program provides Federal interest-free loans to LEAs to correct imminent hazards to health and safety of school children and school employees posed by the presence of asbestos in school buildings.

(20 U.S.C. 3604(a)(1)(A); 20 U.S.C. 3605(a)(1); and (2))

§ 230.2 Who is eligible for assistance under these programs?

(a)(1) An LEA[1] is eligible for a grant under the LEA Asbestos Detection Program if that LEA proposes to conduct or has conducted since January 1, 1976 an asbestos detection project that is in compliance with the procedures and standards in §§ 230.40, 230.42, and 230.43.

(2) As used in paragraph (a)(1) of this section and throughout this part, the term "compliance" in reference to any asbestos detection project conducted prior to the effective date of these regulations means substantial compliance.

(b)(1) An LEA is eligible for a loan under the LEA Asbestos Control Program if that LEA—

(i) Has conducted an asbestos detection project in compliance with the procedures and standards in §§ 230.40, 230.42, and 230.43; and

(ii) Proposes to carry out or has carried out subsequent to January 1, 1976 an asbestos control project—

(A) In compliance with the procedures and standards in §§ 230.45 through 230.47, as applicable;

(B) Involving more than 2,500 square feet of surface; and

(C) Meeting the criteria established by the Secretary under Section 7(a)(2) of the Act. These criteria will be established if appropriations become available for the LEA Asbestos Control Program.

(2) As used in paragraphs (b)(1)(i) and (b)(1)(ii)(A) of this section and throughout this part, the term "compliance" in reference to any asbestos control project conducted prior to the date when loans are available means substantial compliance.

(20 U.S.C. 3604 (a)(1)(A); and (b)(3); 20 U.S.C. 3605(a)(2) and (c)(1) and (3))

§ 230.3 What regulations apply to these programs?

(a) In addition to the regulations in this Part 230, the following regulations apply to the LEA Asbestos Detection Program and the LEA Asbestos Control Program?

(1) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100c (General) except the following definitions:

(i) Award.

(ii) Recipient.

(2) The regulations in 34 CFR Part 231 (Asbestos Detection and State Plan: State Educational Agencies).

(3) The regulations in 40 CFR Part 763 Subpart F (regulations proposed by the Environmental Protection Agency (EPA) for asbestos in schools).

(b) In addition to the regulations in paragraph (a) of this section, the LEA Asbestos Detection Program is also governed by the regulations in EDGAR, 45 CFR Part 100a (Direct Grant Programs) except the following:

(1) Section 100a.107 and 100a.108 (pertaining to applications for new grants under discretionary grant programs and under formula grant programs).

(2) Section 100a.111 (pertaining to the description of a project).

(3) Section 100a.116 (pertaining to the demonstration of capability).

(4) Section 100a.200 through 100a.215 (pertaining to the selection of new projects, including selection criteria).

(5) Sections 100a.217 through 100a.236 (pertaining to selection procedures and procedures for making a grant).

(20 U.S.C. 3474(a))

§ 230.4 What definitions apply to these programs?

The following definitions apply to the LEA Asbestos Detection Program and the LEA Asbestos Control Program:

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 45 CFR 100c.1:

Applicant
Application
EDGAR
Grant
Grantee
Nonprofit
Private
Project
Secretary
State educational agency (SEA).

(b) *Definitions that apply to this part.* The following definitions apply to this part:

"Act" means the Asbestos School Hazard Detection and Control Act of 1980 (Pub. L. 96–270).

"Asbestos" means—

(1) Chrysotile, amosite, or crocidolite; or

(2) In fibrous form, tremolite, anthophyllite, or actinolite.

"Asbestos control project" means activities—described in § 230.11—designed to correct imminent hazards to the health and safety of school children and school imployees posed by the presence of asbestos in school buildings.

"Asbestos detection project" means activities designed to test building materials in order to identify asbestos hazards in school buildings.

"Award" means—

(1) The amount of funds that the Secretary provides to a grantee under the LEA Asbestos Detection Program; or

(2) The amount of funds that the Secretary provides to an applicant for a loan under the LEA Asbestos Control Program.

"Friable" means able to be crumbled, pulverized, or reduced to powder by hand.

"Imminent hazards" means, with reference to asbestos, that the asbestos is contained in building material whose fibers could be released into a school building environment because that building material is—

(1) Friable;

(2) Easily damaged;

(3) Susceptible to damage because it is within easy reach of school children or school employees; or

(4) Otherwise susceptible to damage, including damage from water or air circulation.

"Local educational agency" means—

(1) An LEA as defined in EDGAR, 45 CFR 100c.1;

(2) The governing body of a nonprofit private elementary or secondary school, as defined in section 11 of the Act; or

(3) A School of an agency of the United States.

"Recipient" means—

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[1] (Note.—As used in these programs, the term LEA includes the governing authority of a nonprofit private elementary or secondary school as defined in § 230.4(b).)

(1) A grantee under LEA Asbestos Detection Program; or

(2) An applicant that receives a loan under the LEA Asbestos Control Program.

"School buildings" means—

(1) Structures suitable for use as classroom, laboratories, libraries, school eating facilities, or school facilities used for the preparation of food;

(2) Gymnasiums or other indoor facilities designed especially for athletic or recreational activities included in an academic course in physical education;

(3) Other facilities used for the instruction of students, for research, or for the administration of educational or research programs; or

(4) Maintenance, storage, or utility facilities essential to the operation of any of the facilities listed in paragraphs (1) through (3) of this definition.

"State" means—

(1) A State as defined in EDGAR, 45 CFR 100c.1; or

(2) The Bureau of Indian Affairs.

(20 U.S.C. 3610; 20 U.S.C. 2854; 45 CFR 100c.1)

Subpart B—What Kinds of Projects Does the Department of Education Assist Under These Programs?

§ 230.10 What kinds of activities are assisted under the LEA Asbestos Detection Program?

The Secretary provides a grant to an eligible applicant under the LEA Asbestos Detection Program for the following activities conducted in accordance with the procedures and standards in §§ 230.40, 230.42, and 230.43:

(a) Making a visual inspection of school buildings to detect friable building materials.

(b) Collecting samples of the friable building materials referred to in paragraph (a) of this section.

(c) Analyzing the samples referred to in paragraph (b) of this section to determine the presence of asbestos.

(d) Determining the extent of the health hazards posed by the asbestos referred to in paragraph (c) of this section by evaluating the likelihood of the leakage of fibers of that asbestos into the school environment.

(20 U.S.C. 3604(b)(4))

§ 230.11 What kinds of activities are assisted under the LEA Asbestos Control Program?

The Secretary provides a loan to an eligible applicant under the LEA Asbestos Control Program for the following activities conducted in accordance with the procedures and standards in §§ 230.45 through 230.47, as applicable:

(a) Containing or removing school building materials that contain asbestos posing an imminent hazard to the health and safety of school children and school employees.

(b) Replacing the materials referred to in paragraph (a) of this section with other appropriate building materials.

(c) Making repairs the Secretary considers necessary to restore school buildings to conditions comparable to those that exited before the activities in paragraphs (a) and (b) of this section were carried out.

(20 U.S.C. 3605(a)(2))

Subpart C—How Does One Apply Under These Programs?

§ 230.20 How does one apply for a grant under the LEA Asbestos Detection Program?

(a) To apply for a grant under the LEA Asbestos Detection Program, an applicant must file with the Secretary an application meeting the requirements of—

(1) EDGAR, 45 CFR 100a.109 and 100a.110;

(2) EDGAR, 45 CFR 100a.112 through 100a.115; and

(3) Section 5(b)(1) of the Act (describing the contents of an application under this program).

(b) An applicant for a grant for an asbestos detection project conducted between January 1, 1976 and the date of its application shall include in its application—in addition to the information required in paragraph (a) of this section—an assurance that it conducted the project in compliance with the requirements in §§ 230.40, 230.42, and 230.43.

(20 U.S.C. 3604(b) (1) and (3); 45 CFR §§ 100a.109–110; 45 CFR §§ 100a.112–115)

§ 230.21 How does one apply for a loan under the LEA Asbestos Control Program?

(a) To apply for a loan under the LEA Asbestos Control Program, an applicant must file with the Secretary an application containing the information required in section 6(c)(1) of the Act (describing the contents of an appliction under this program).

(b) An applicant for a loan for an asbestos control project conducted between January 1, 1976 and the date of its application shall include in its application—in addition to the information required in paragraph (a) of this section—an assurance that it conducted the project in compliance with the requirements in §§ 230.45 through 230.47, as applicable.

(20 U.S.C. 3605(c) (1) and (3))

§ 230.22 In what circumstances may an LEA apply for a grant or loan greater than 50 percent?

(a) If an LEA believes that it would be unable to participate in the LEA Asbestos Detection Program or the LEA Asbestos Control Program because of limited resources, the LEA may submit to the Secretary, together with its application, a request for a grant or loan greater than the amount provided by the Secretary under §§ 230.30 or 230.32.

(b) The LEA shall include in its request for an increased award, information that substantiates its claim of limited financial resources. This may include the most recently available data describing any applicable factors listed in § 230.33 (b) and (c).

(20 U.S.C. 3604(a)(2); 20 U.S.C. 3605(a)(3); 20 U.S.C. 3474(a))

§ 230.23 What records must an LEA maintain?

An LEA that applies for a grant under the LEA Asbestos Detection Program or a loan under the LEA Asbestos Control Program shall maintain and make available to the Secretary on request whatever records are necessary to substantiate claims—including cost claims—in the LEA's application.

(20 U.S.C. 3604(b)(91); 20 U.S.C. 3605(c)(1); 20 U.S.C. 3474(a))

Subpart D—How Does the Secretary Make an Award?

§ 230.30 How does the Secretary determine the amount of a grant for an asbestos detection project?

(a) Except as provided in §§ 230.33 and 230.34, the Secretary makes a grant equal to 50 percent of the costs that an eligible LEA incurs or has incurred in conducting an asbestos detection project.

(b)(1) The amount awarded by the Secretary is the Federal share of the grantee's project.

(2) This applies whether Federal funds for the project are paid—

(i) Directly to the LEA;

(ii) To the SEA under 34 CFR Part 231 for reimbursement of funds it has paid to the LEA for this project; or

(iii) To both the LEA and the SEA.

(20 U.S.C. 3604 (a)(2) and (a)(1)(B))

§ 230.31 What criteria does the Secretary apply in selecting loan recipients?

In selecting loan recipients under the LEA Asbestos Control Program, the Secretary applies the following criteria:

(a) The likelihood of leakage as determined under the Asbestos Exposure Assessment Algorithm in Appendix A of these regulations.

(b)(1) The extent to which the corrective action proposed by the applicant will reduce the imminent hazards to the health and safety of school children and school employees; or

(2) The extent to which corrective action that the applicant took since January 1, 1976 reduced imminent hazards to the health and safety of school children and school employees.

(c)(1) The extent to which the corrective action proposed by the applicant is cost-effective; or

(2) The extent to which corrective action that the applicant took since January 1, 1976 was cost-effective.

(20 U.S.C. 3606(a)(2))

§ 230.32 How does the Secretary determine the amount of a loan for an asbestos control project?

Except as provided in §§ 230.33 and 230.34, the Secretary may make an interest-free loan equal to 50 percent of the costs that an eligible LEA incurs or has incurred in conducting an asbestos control project.

(20 U.S.C. 3605(a)(2))

§ 230.33 What criteria does the Secretary apply in considering an application for a grant or loan greater than 50 percent?

(a) The Secretary may increase the amount of a grant or loan if the Secretary determines that an eligible LEA has limited financial resources and would be unable to participate in the LEA Asbestos Detection Program or the LEA Asbestos Control Program without an increased award.

(b) The Secretary considers one or more of the following factors in determining whether an eligible LEA has limited financial resources:

(1) A measure of financial need used by the State in which the LEA is located.

(2) The per capita income of the LEA or county.

(3) The local school millage rate compared with the millage rate that the State determines to be reasonable for that LEA or county.

(4) Any other factor that demonstrates that the LEA has limited financial resources.

(c) The Secretary considers one or more of the following factors, as they relate to the factors listed in paragraph (b) of this section, in determining whether an LEA would be unable to participate in the LEA Asbestos Detection Program or the LEA Asbestos Control Program without an increased award:

(1) The ratio, expressed as a percentage, of (i) the cost of the project to (ii) the total budget of the LEA.

(2) The square footage of the structures to be included in the project compared with the total square footage of school buildings in the LEA.

(3) The known or estimated asbestos content in friable building materials used in the LEA's school buildings.

(4) The likelihood of leakage of asbestos fibers in building materials used in the LEA's school buildings.

(5) The number of persons using the LEA's school buildings who are or will be exposed to asbestos that poses an imminent hazard.

(6) Any other factor that demonstrates that the LEA would be unable to participate in the LEA Asbestos Detection Program or the LEA Asbestos Control Program without an increased award.

(20 U.S.C. 3604(a)(2); 20 U.S.C. 3605(a)(3))

§ 230.34 What criteria does the Secretary apply if appropriations do not meet the 50 percent levels of assistance?

If appropriations under the LEA Asbestos Detection Program or the LEA Asbestos Control Program do not meet the levels of assistance described in §§ 230.30 and 230.32, the Secretary may consider one or more of the factors in each of paragraphs (b) and (c) of § 230.33 in determining which LEAs have the greatest financial need for assistance under the Act.

(20 U.S.C. 3611(c); 20 U.S.C. 1226a)

Subpart E—What Conditions Must Be Met by a Recipient?

Procedures and Standards for an Asbestos Detection Project

§ 230.40 What are the procedures for conducting an asbestos detection project?

In conducting an asbestos detection project, a grantee under the LEA Asbestos Detection Program shall adhere to the following procedures:

(a) For making a visual inspection of school buildings, the procedures in 40 CFR 763.3 (Proposed EPA regulations).

(b) For sampling friable materials, the procedures in 40 CFR 763.4 (Proposed EPA regulations).

(c) For analyzing friable materials to determine their asbestos content, the procedures in 40 CFR 763.5 (proposed EPA regulations).

(d) For evaluating the likelihood of leakage of asbestos fibers, the procedures referred to in § 230.42.

(20 U.S.C. 3606 (a)(1) and (c))

§ 230.41 What safety measures does the Secretary recommend to a grantee conducting an asbestos detection project?

The Secretary recommends that a grantee under the LEA Asbestos Detection Program adhere to the following safety precautions in conducting its asbestos detection project:

(a) Material should be sampled only when the area in which that material is located is not in use.

(b) Only persons needed for sampling should be present.

(c) The sampling container should be held away from the face during the actual collection of the sample.

(d) The material should not be disturbed more than is necessary.

(e) The material should be sprayed with a light mist of water to prevent fiber release during sampling.

(20 U.S.C. 3606 (a)(1) and (c))

§ 230.42 How does a grantee evaluate the likelihood of leakage of asbestos fibers?

A grantee under the LEA Asbestos Detection Program shall apply the Asbestos Exposure Assessment Algorithm in Appendix A of these regulations to evaluate the likelihood of the leakage of asbestos fibers into a school environment.

(20 U.S.C. 3606 (a)(1) and (c))

§ 230.43 What standards does a grantee apply in determining the qualifications of a contractor to carry out an asbestos detection project?

If a grantee under the LEA Asbestos Detection Program selects a contractor to carry out any or all of the activities under the grantee's asbestos detection project, the grantee shall determine the qualifications of that contractor by applying the following standards:

(a) For making a visual inspection of school buildings, the contractor's knowledge of and familiarity with the procedures in 40 CFR 763.3 (proposed EPA regulations).

(b) For sampling friable materials, the contractor's knowledge of and familiarity with the procedures in 40 CFR 763.4 (proposed EPA regulations).

(c)(1) For analyzing friable materials to determine their asbestos content, the contractor's proficiency in the analytic techniques in 40 CFR 763.5 (proposed EPA regulations).

(2) In addition, the Secretary encourages the grantee to consult the results of the Asbestos Analytic Laboratory Proficiency Program, which assessed the ability of participating laboratories to analyze materials for asbestos.

(3) The Secretary makes available to SEAs on request the results of the analytic proficiency program referred to in paragraph (c)(2) of this section.

(d)(1) For evaluating the likelihood of leakage of asbestos fibers, the contractor's knowledge of and familiarity with the Asbestos Exposure

Assessment Algorithm in Appendix A of these regulations.

(2) In addition, the Secretary encourages the grantee to consider the contractor's experience with the algorithm and past participation in training programs for using the algorithm.

(3) The Secretary makes available to SEAs on request, training materials and instructional aids to assist contractors in applying the algorithm.

(20 U.S.C. 3606 (a)(1) and (c))

§ 230.44 [Reserved]

Procedures and Standards for an Asbestos Control Project

§ 230.45 What are the procedures for containing or removing asbestos materials?

In conducting an asbestos control project the recipient of a loan under the LEA Asbestos Control Program shall comply with the applicable procedures in Appendix B of these regulations for containing and removing asbestos materials.

(20 U.S.C. 3606(b)(1) and (c))

§ 230.46 What are the procedures for replacing building materials and restoring school buildings?

(a) In replacing building materials and restoring a school building to its previous condition, the recipient of a loan under the LEA Asbestos Control Program shall use materials that do not contain asbestos posing an imminent hazard to the health and safety of school children and school employees.

(b) In conducting replacement and restoration activities, the recipient of a loan shall use the appropriate method that is most cost-effective. (See Appendix B.)

(c) In conducting restoration activities, the recipient of a loan under the LEA Asbestos Control Program may use those funds to make only those repairs the Secretary considers necessary to restore a school building to a condition comparable to the condition that existed before the recipient carried out activities in § 230.11(a) and (b).

(20 U.S.C. 3606(b)(1))

§ 230.47 What standards does a recipient of a loan apply in determining the qualifications of a contractor to carry out an asbestos control project?

(a) If the recipient of a loan under LEA Asbestos Control Program selects a contractor to contain or remove asbestos materials as part of the recipient's asbestos control project, the recipient shall determine the qualifications of that contractor on the basis of the contractor's—

(1) Knowledge of and ability to comply with the National Emission Standards for Asbestos as described in 40 CFR 61.01 through 61.25;

(2) Knowledge of and ability to comply with the standards in the asbestos regulations under the Occupational Safety and Health Act as described in 29 CFR 1910.1001; and

(3)(i) Knowledge of an familiarity with the containment and removal practices described in Appendix B of these requlations.

(ii) In addition, the Secretary encourages the grantee to consider the contractor's exprience in carrying out asbestos containment and removal operations and past participation in training programs for proper containment and removal operations.

(iii) The Secretary makes available to SEAs on request training materials and instructional aids to assist contractors in carrying out proper containment and removal operations.

(b) If the recipient of a loan under the LEA Asbestos Control Program selects a contractor to replace building materials and restore school buildings as part of the recipient's asbestos control project, the recipient shall determine the qualifications of that contractor on the basis of the contractor's knowledge of and familiarity with the requirement of § 230.46(a)

(20 U.S.C. 3606(b)(2) and (c))

§ 230.48-230.49 [Reserved]

Fiscal Requirements

§ 230.50 What are the rules for repayment of a loan?

The following provisions apply to a loan to an LEA under the LEA Asbestos Control Program:

(a) The loan period begins on the effective date of the loan agreement.

(b) The LEA shall repay the loan within the period determined by the Secretary, but not to exceed 20 years.

(c) All other terms and conditions of the loan are contained in a loan agreement that the Secretary prepares and sends to the LEA.

(20 U.S.C. 3605(b))

Subpart F—What Are the Administrative Responsibilities of a Grantee?

§ 230.60 What report must a grantee submit?

In addition to any reports required by EDGAR, 45 CFR Part 100a, a grantee under LEA Asbestos Detection Program shall, not later than 120 days after receiving its grant, file with the Secretary a report that shall include—

(a) A detailed accounting of the funds used to carry out the grantee's asbestos detection project; and

(b) A description of—

(1) The detection activities that the grantee conducted;

(2) The results of the asbestos detection project, including any findings of the presence in school building materials of asbestos that poses an imminent hazard to the health and safety of school children and school employees; and

(3) The grantee's plans for correcting any imminent asbestos hazards that it detected.

(20 U.S.C. 3604(c); 45 CFR Part 100a)

Note.—Information in the following part—34 CFR Part 231—has a direct bearing on programs carried out under this Part 230. Readers are encouraged to read the following part for that information.

The Secretary amends Title 34 of the Code of Federal Regulations by adding a new Part 231 to read as follows:

Part 231—Asbestos Detection and State Plan: State Educational Agencies

Subpart A—General

Sec.

231.1 Asbestos Detection and State Plan: State Educational Agencies.
231.2 Who is eligible for a grant under the SEA Asbestos Detection Program?
231.3 What regulations apply to this part?
231.4 What definitions apply to this part?

Subpart B—[Reserved]

Subpart C—How Does One Apply for a Grant under the SEA Asbestos Detection Program?

231.20 How does an SEA apply for a grant under the SEA Asbestos Detection Program?
231.21 In what circumstances may an SEA apply for a grant greater than 50 percent?
231.22 What records must an SEA maintain?

Subpart D—How Does the Secretary Make an Award?

231.30 How does the Secretary determine the amount of a grant under the SEA Asbestos Detection Program?
231.31 What criteria does the Secretary apply in considering an application for a grant greater than 50 percent?
231.32 What criteria does the Secretary apply if appropriations do not meet the 50 percent level of assistance?

Subpart E—[Reserved]

Subpart F—What Are the Administrative Responsibilities of a Grantee?

231.50 What report must a grantee submit?

Subpart G—[Reserved]

Subpart H—What Is the State Plan under This Act?

231.70 What must a State plan contain?
231.71 What information must a State distribute to its LEAs?

Sec.
231.72 What records must a State maintain?
231.73 What reports must a State submit?

Authority: The Asbestos School Hazard Detection and Control Act of 1980, Pub. L. 91–270 (20 U.S.C. 3601–3611, 94 Stat. 487) and Section 414(a) of the Department of Education Organization Act, Pub. L. 96–88 (20 U.S.C. 3474(a), 93 Stat. 685).

Subpart A—General

§ 231.1 Asbestos Detection and State Plan: State Educational Agencies.

The Asbestos Detection Program and State Plan for State Educational Agencies (SEAs) consists of—

(a) *SEA Asbestos Detection Program.* This program provides Federal grants to SEAs to reimburse those States that have made or are making grants to their local educational agencies (LEAs)* to conduct asbestos detection projects; and

(b) *State Plan.* The SEA of any State that receives Federal funds for the administration of any applicable program—as defined in section 400(c)(1)(A) of the General Education Provisions Act—shall submit to the Secretary a plan as described in Subpart H of these regulations. Under the Asbestos School Hazard Detection and Control Act of 1980, the SEA shall submit this plan regardless of whether the SEA or its LEAs participate in the SEA or LEA asbestos detection programs.

(20 U.S.C. 3604(a)(1)(B); 20 U.S.C. 3603(a))

§ 231.2 Who is eligible for a grant under the SEA Asbestos Detection Program?

An SEA is eligible for a grant under the SEA Asbestos Detection Program if the State—through the SEA or other appropriate State agency—has made or is making grants to its LEAs to conduct asbestos detection projects—

(a) Conducted on or after the effective date of these regulations in compliance with the procedures and standards in 34 CFR 230.40, 230.42, and 230.43; or

(b) Conducted between January 1, 1976 and the effective date of these regulations in substantial compliance with the procedures and standards in 34 CFR 230.40, 230.42, and 230.43.

(20 U.S.C. 3604(a)(1)(B); and (b)(3))

§ 231.3 What regulations apply to this part?

In addition to the regulations in this Part 231, the following regulations apply to Asbestos Detection and State Plan: State Educational Agencies:

(a) The Education Division General Administrative Regulations (EDGAR) in 45 CFR Part 100a (Direct Grant Programs) and 45 CFR 100c (General) except the following:

(1) Sections 100a.107 and 100a.108 (pertaining to applications for new grants under discretionary grant programs and under formula grant programs).

(2) Section 110a.111 (pertaining to the description of a project).

(3) Section 100a.116 (pertaining to the demonstration of capability).

(4) Sections 100a.200 through 100a.215 (pertaining to the selection of new projects, including selection criteria).

(5) Sections 100a.217 through 100a.236 (pertaining to selection procedures and procedures for making a grant).

(b) The regulations in 34 CFR Part 230 (Asbestos Detection and Control: Local Educational Agencies).

(c) The regulations in 40 CFR Part 763, Subpart F (regulations proposed by the Environmental Protection Agency (EPA) for asbestos in schools).

(20 U.S.C. 3474(a))

§ 231.4 What definitions apply to this part?

The following definitions apply to Asbestos Detection and State Plan: State Educational Agencies:

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 45 CFR 100c.1:

Applicant
Application
Award
EDGAR
Grant
Grantee
Nonprofit
Private
Project
Recipient
Secretary
State educational agency (SEA)

(b) *Definitions in 34 CFR Part 230.* The definitions in 34 CFR 230.4(b) (the definitions section of Asbestos Detection and Control: Local Educational Agencies) apply also to this Part 231 except the following:

Award and Recipient.

(c) As used in this part, the term "State plan" or "plan" means the plan referred to in § 231.1(b) and described in Subpart H of these regulations.

(20 U.S.C. 3610; 20 U.S.C. 2854; 54 CFR 100c.1)

Subpart B—[Reserved]

Subpart C—How Does One Apply for a Grant Under the SEA Asbestos Detection Program?

§ 231.20 How does an SEA apply for a grant under the SEA Asbestos Detection Program?

To apply for a grant under the SEA Asbestos Detection Program, an SEA must file with the Secretary an application—

(a) Meeting the requirements of—

(1) EDGAR, 45 CFR 100a.109 and 100a.110;

(2) EDGAR, 45 CFR 100a.112 through 100a.115; and

(3) Section 5(b)(1) of the Act (describing the contents of an application under this program); and

(b)(1) For asbestos detection projects conducted by its LEAs between January 1, 1976 and the effective date of these regulations, an assurance by the SEA that the LEAs conducted those projects in substantial compliance with the requirements in 34 CFR 230.40, 230.42, and 230.43; and

(2) For asbestos detection projects conducted by its LEAs on or after the effective date of these regulations, an assurance by the SEA that the LEAs conducted those projects in compliance with the requirements in 34 CFR 230.40, 230.42, and 230.43.

(20 U.S.C. 3604(b)(1); and (b)(3); 45 CFR 100a.109–100a.110; 45 CFR 100a.112–100a.115)

§ 231.21 In what circumstances may an SEA apply for a grant greater than 50 percent?

(a) If an SEA believes that it would be unable to participate in the SEA Asbestos Detection Program because of limited financial resources, the SEA may submit to the Secretary, together with its application, a request for a grant greater than the amount provided by the Secretary under § 231.30.

(b) The SEA shall include in its request for an increased award information that substantiates its claim of limited financial resources.

(20 U.S.C. 3604(a); 20 U.S.C. 3474(a))

§ 231.22 What records must an SEA maintain?

An SEA that applies for a grant under the SEA Asbestos Detection Program shall maintain and make available to the Secretary on request whatever records are necessary to substantiate claims—including cost claims—in the SEA's application.

(20 U.S.C. 3604(b)(1); 20 U.S.C. 3605(c)(1); 20 U.S.C. 3474(a))

Subpart D—How Does the Secretary Make an Award?

§ 231.30 How does the Secretary determine the amount of a grant under the SEA Asbestos Detection Program?

(a) Except as provided in §§ 231.31 and 231.32, the Secretary makes a grant to an SEA equal to 50 percent of that State's award to its LEAs to conduct asbestos detection projects.

(b) However, the Secretary may restrict the amount of the grant to the SEA to ensure that the Federal share of any LEA asbestos detection project in the State does not exceed the Federal share as specified in 34 CFR 230.30.

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*(Note: As used in this part the term LEA includes the governing authority of a nonprofit private elementary or secondary school as defined in 34 CFR 230.4(b).)

(20 U.S.C. 3604(a)(2))

§ 231.31 What criteria does the Secretary apply in considering an application for a grant greater than 50 percent?

The Secretary may increase the amount of a grant if the Secretary determines than an eligible SEA has limited financial resources and would be unable to participate in the SEA Asbestos Detection Program without an increased award.

(20 U.S.C. 3604(a)(2))

§ 231.32 What criteria does the Secretary apply if appropriations do not meet the 50 percent level of assistance?

If appropriations under the Act do not meet the level of assistance described in § 231.30, the Secretary may determine which applicant SEAs have the greatest need for assistance by—

(a) Considering in each of those States the percentage of LEAs that have requested State funds for detecting asbestos hazards; and

(b) Considering—according to one or more the criteria in each of paragraphs (b) and (c) of 34 CFR 230.33—the needs of the LEAs that those SEAs have funded or are funding.

(20 U.S.C. 3611(c))

Subpart E—[Reserved]

Subpart F—What Are the Administrative Responsibilities of a Grantee?

§ 231.50 What report must a grantee submit?

In addition to any reports required by EDGAR, 45 CFR 100a, an SEA that receives a grant under the SEA Asbestos Detection Program shall, not later than 120 days after receiving its grant, file with the Secretary a report that shall include—

(a) A detailed accounting of the funds that LEAs have received from the State to conduct asbestos detection projects; and

(b) A description of—

(1) The asbestos detection projects conducted by LEAs with financial assistance from the State;

(2) The results of those asbestos detection projects, including any findings of the presence in school building materials of asbestos that poses an imminent hazard to the health and safety of school children and school employees; and

(3) The plans of the assisted LEAs for correcting any imminent asbestos hazards that those LEAs detected.

(20 U.S.C. 3604(c); 45 CFR Part 100a)

Subpart G—[Reserved]

Subpart H—What Is the State Plan under This Act?

§ 231.70 What must a State plan contain?

An SEA, as described in § 231.1(b)(1), shall submit to the Secretary not later than December 15, 1980, a plan that—

(a) Describes the manner in which the State shall distribute to its LEAs the information required in § 231.71;

(b)(1) Describes the content of any information in addition to that required in § 231.71(a); and

(2) Provides assurance that the State will continually revise, as necessary, information described in § 231.71 and distribute the revised information to its LEAs;

(c) Describes the procedures the State will use for maintaining records as required in § 231.72; and

(d)(1) Designates a State agency or other State administrative unit responsible for submitting to the Secretary the reports required under § 231.73; and

(2) Provides assurance that the designated agency or unit will carry out the duties required under § 231.73.

(20 U.S.C. 3603(a))

§ 231.71 What information must a State distribute to its LEAs?

(a) Not later than March 15, 1981, a State shall distribute to its LEAs information describing—

(1) The asbestos detection and control programs under this Act;

(2) The procedures and standards for conducting asbestos detection projects;

(3) The procedures and standards for conducting asbestos control projects; and

(4) The health hazards associated with exposure to asbestos fibers.

(b) A State that distributes to each of its LEAs a copy of these regulations and the regulations in 34 CFR Part 230, including all appendices, is considered by the Secretary to be in compliance with paragraphs (a)(1)-(3) of this section.

(20 U.S.C. 3603(a)(1))

§ 231.72 What records must a State maintain?

(a) A State shall maintain records on every LEA within its jurisdiction concerning the following:

(1) The asbestos detection activities conducted by the LEA.

(2) The presence, if any, of friable building materials containing asbestos in each school building of the LEA.

(3) The asbestos control activities conducted by the LEA. These include any activities related to the—

(i) Containment of asbestos materials;

(ii) Removal of asbestos materials; and

(iii) Replacement of asbestos materials with other appropriate building materials.

(iv) The repairs made by the LEA to restore school buildings to conditions comparable to those that existed before the LEA conducted any of the activities listed in paragraph (c) of this section.

(b) A State that maintains a copy of the form filled out by each of its LEAs in compliance with EPA requirements in 40 CFR Part 763, Subpart F (proposed EPA regulations) is considered by the Secretary to be in compliance with paragraphs (a) (1) and (2) of this section.

(20 U.S.C. 3603(a)(3))

§ 231.73 What reports must a State submit?

(a) The State agency or other administrative unit designated by the State in its State plan (see § 231.70(d)(1)) shall submit to the Secretary reports describing the actions taken by the State in accordance with its plan.

(b)(1) The designated agency or unit shall submit its first report no later than six months after the State submits its State plan.

(2) The designated agency or unit shall submit its subsequent reports every six months after submitting its first report.

(3) The designated agency or unit shall submit its final report no later than June 15, 1982.

(20 U.S.C. 3603(b))

Note.—Information in the preceding part—34 CFR Part 230—has a direct bearing on this Part 231. Readers are encouraged to read the preceding part for that information.

Note.—The following two appendices were prepared by the Environmental Protection Agency (EPA). The Department of Education has made stylistic changes in the documents.

(The Secretary of Education proposes these appendices to the proposed regulations in 34 CFR Parts 230 and 231 because (1) the statute requires the Secretary to promulgate regulations on the matters contained in these appendices and (2) EPA has no codified regulations covering a number of these matters.

(Provisions of these appendices are admittedly detailed. Extensive scientific research indicates, however, that these provisions are necessary to protect health and safety in the conducting of asbestos detection and control activities. The Secretary invites comments on this conclusion.)

The attached appendices will be codified in the Code of Federal Regulations—

Appendix A—Asbestos Exposure Assessment Algorithm and Corrective Action Scale

The exposure assessment algorithm (computational procedure) presented in this appendix shall be used to determine—

(a) The likelihood of leakage of asbestos fibers from friable building materials into a school building environment;

(b) The extent of the health hazards posed by that leakage; and

(c) The appropriate corrective action to control the leakage.

In the event that different areas of a building show a variance in the likelihood of leakage of asbestos fibers and potential health hazards, the results of the algorithm may be used to set priorities for corrective action.

The algorithm was developed by the Environmental Protection Agency (EPA) originally to serve as a method of ranking, in order of priority for corrective action, various locations where friable materials containing asbestos were identified.

The algorithm has been used and tested extensively in EPA's Technical Assistance Program for Asbestos-Containing Materials in Schools.

EPA is continuing to test and evaluate the effectiveness of the algorithm as a method of determining the likelihood of leakage of asbestos fibers from friable building materials and the extent of the health hazards posed by that leakage.

The Secretary of Education encourages comments on the algorithm. In particular, the Secretary solicits comments on (1) experiences with this algorithm and (2) information or comments on any other assessment techniques that have been developed or used for assessing levels of exposure to asbestos fibers from friable building materials.

Introduction

The following eight factors—described in Table I of this appendix—shall be considered in determining the likelihood of leakage of asbestos fibers from friable building materials:

Factor 1. Condition of material.
Factor 2. Water damage.
Factor 3. Exposed surface area.
Factor 4. Accessibility.
Factor 5. Activity and movement.
Factor 6. Air plenum or direct air stream.
Factor 7. Friability.
Factor 8. Asbestos content.

The algorithm describes a method for combining these factors to obtain an Exposure Number that will be used—

(a) To help determine whether corrective action should be initiated or deferred;

(b) To assist in setting priorities for corrective action (the higher the scale number, the higher the priority); and

(c) To assist in the selection of appropriate corrective action. The application of the Exposure Number to the Corrective Action Scale indicates appropriate methods for correcting health hazards posed by the presence of friable materials containing asbestos.

Using the Algorithm

There are three steps in using the algorithm:

(a) Step 1: Each of the eight factors is assigned a score or numerical value corresponding to the extent to which that factor applies.

(b) Step 2: The numerical values are combined by a mathematical formula to produce the Exposure Number.

(c) Step 3: The Exposure Number is applied to the Corrective Action Scale.

These three steps—described in greater detail in the following paragraphs—should be performed for each separate sampling area of a building in which asbestos has been found. For identification of sampling areas see EPA's proposed regulations, 40 CFR 763.4.

Step 1: Select the Score for Each Factor

Table I presents a list of the eight factors, a brief description of the extent to which a particular condition applies, and a numerical Factor Score corresponding to that description.

The official making the assessment shall first select the description best fitting the situation in that building area. The scores have been intentionally weighted to reflect the severity of an individual factor's effect on the likelihood of leakage. Only the scores indicated can be assigned to a factor. For example, "0," "2," or "5" is the only permissible score for Factor I: Material Condition; "1," "3," or "4" is not a permissible score for that factor.

Areas of a school that are not homogeneous in appearance, condition, or asbestos content must be evaluated and scored separately. For example, an auditorium with both an inaccessible ceiling over the stage and an accessible ceiling over the audience section contains two different areas for evaluation. The Exposure Numbers for the two areas may differ widely and, therefore, possibly warrant different corrective actions.

Step 2: Calculate the Exposure Number

The Exposure Number is derived from the Factor Scores by a formula. After entering the appropriate Factor Scores on lines 1 through 8 of Table II—

(a) Add Factors 1 through 6, and enter on the line labeled "Sum";

(b) Multiply Factor 7 by Factor 8, and enter on the line labeled "Product"; and

(c) Multiply "Sum" by "Product," and enter on the line labeled "Exposure Number."

This Exposure Number for each evaluated area represents the assessment of the likelihood of leakage of asbestos fibers into the school building environment.

Step 3: Apply the Exposure Number to the Corrective Action Scale

The Corrective Action Scale (Table III) describes four types of corrective action and a range of Exposure Numbers for which each type of corrective action is appropriate.

Apply the Exposure Number derived in Step 2 to the Exposure Number Range in Table III to determine the appropriate corrective action. For example, an Exposure Number of 90 clearly indicates that the materials containing the asbestos should be removed.

Note, however, that the Exposure Number Ranges overlap. Thus, an Exposure Number that falls within two overlapping ranges offers a choice of corrective actions. For example, an Exposure Number of 10 offers a choice of encapsulation, enclosure, or deferral of corrective action. In this case, the choice of corrective action should be based on the considerations listed in Table III.

In some cases, because of the severity of one of the factors referred to in Step 1, the most appropriate corrective action may differ from the action recommended in Step 3. For example, if a given area of a building has an Exposure Number of less than 40 in Step 2 but has a serious roof leak that cannot be corrected, because of design problems, the material should be removed. Enclosure or encapsulation would not be appropriate or cost-effective due to the strong likelihood of continued water damage.

Similarly, if a location, such as a stairwell, has an Exposure Number of less than 40 but high accessibility, the material may have to be removed because of the strong likelihood of damage to any enclosed or encapsulated material.

Table I: Factor Description and Scores

Factor 1. Condition of Material

The condition of the asbestos materials may indicate the possibility of fibers being released into the school building area (i.e., contamination) and the potential for future fiber release. An assessment of the condition depends on: the quality of the installation, adhesion of the material to the underlying substrate (the structural element to which the material containing asbestos is applied), deterioration, vandalism, and damage.

This factor is comprised of three levels:

(a) *No damage or deterioration.* Material is intact and shows no signs of damage or deterioration.

Score 0.

(b) *Moderate damage or deterioration.* Visual inspection indicates that—

(1) The material is breaking up into layers or beginning to come loose from the substance;

(2) There are small areas where the material is deteriorating;

(3) There may be signs of accidental or intentional damage—such as finger marks or impact marks from maintenace or athletic activities—or small areas dislodged.

Score 2.

(c) *Severe damage or deterioration.*

(1) The material is non-cohesive;

(2) Pieces are dislodged and debris is evident;

(3) Parts of the material may be hanging from the ceilings or may have fallen to the floor; or

(4) Severe accidental or intentional damage is visible.

Score 5.

Factor 2. Water Damage

Water from roof leaks or high humidity locations—such as pools or locker rooms—can dislodge, detach, or disturb friable asbestos materials that are otherwise in good condition and can increase the potential for fiber release by dissolving and washing out the binders in the material.

Water can also carry fibers to other areas where evaporation will leave a collection of fibers that can become resuspended in the air.

This factor is comprised of three levels:

(a) *No water damage.*

(1) No water stains or evidence of the material being disturbed by water; or

(2) No stains or buckling on the floor, ceiling, or wall to indicate past water damage.

Score 0.

(b) *Minor water damage.* Small areas of the material or adjacent floor, walls, or both show water stains, and ceiling material may be slightly buckled. However, pieces have not fallen from the ceiling, and the damage affects 10 percent or less of the material.

Score 1.

(c) *Moderate to major water damage.*

(1) Water has dislodged some of the material and caused the material to break away, to fall, or to beome so saturated that it might fall; or

(2) More than 10 percent of the material has been affected (Note: A large area of minor damage is as significant as a small area of major damage); or

(3) Both (1) and (2).

Score 2.

Factor 3. Exposed Surface Area

The extent to which friable material is exposed increases the likelihood that asbestos fibers will enter the school building environment. The extent of exposure also increases the likelihood of contact with and damage to the friable material. The visibility of friable material is a useful criterion for determining the amount of exposed surface area.

Areas with louvers, grids, or other open ceiling systems should be considered exposed.

Asbestos material above a suspended ceiling is not considered exposed unless—

The ceiling panels are removed for regular maintenance; or

The panels are damaged (e.g., due to vandalism or maintenance) or missing.

This factor is comprised of three levels:

(a) *No material is exposed.* For example, all asbestos materials are contained behind a solid suspended ceiling that is very hard to open and shows no sign of damage.

Score 0.

(b) *Ten percent or less of the material is exposed.*

(1) Suspenced ceiling is opened occasionally or has damaged or missing panels; or

(2) More than 10 percent of the material is covered by an impermeable material.

Score 1.

(c) *More than 10 percent of the material is exposed.*

Score 4.

Factor 4. Accessibility

If friable material containing asbestos can be reached by building users or maintenance people, it is accessible and, therefore, most likely to be disturbed in the future, either accidentally or intentionally. This is one of the most important indicators of likelihood of leakage of asbestos fibers.

The proximity of the friable material containing asbestos to heating, ventilation, lighting, and plumbing systems requiring maintenance or repair also indicates accessibility.

In addition, the activities and behavior of persons using the building should be considered in evaluating accessibility. For example, persons involved in athletic activities may accidentally cause damage to the material on the walls and ceilings of gymnasiums through contact by balls or other athletic equipment.

The building may also be subject to damage by vandalism, particularly in areas such as hallways, stairwells, and locker rooms.

This factor is comprised of three levels:

(a) *Not accessible.*

(1) The material is located above a suspended ceiling or is concealed by ducts or piping;

(2) The building occupants cannot touch the material; or

(3) Ducts, piping, or electrical systems that require maintenance are not located near the asbestos materials.

Score 0.

(b) *Rarely accessible.*

(1) The material is contacted only during abnormal activity such as infrequent maintenance or repair;

(2) Building occupants rarely touch the material or throw objects against it.

Score 1.

(c) *Accessible.*

(1) Material is contacted frequently due to routine maintenance; or

(2) The building occupants are likely to contact the material (i.e., occupants are likely to touch and dislodge the material or throw objects against it).

Score 4.

Factor 5. Activity and Movement

This factor combines the effects of general causes that may result in disturbance of or damage to friable material containing asbestos. These causes include air movement, building vibration from machinery or any other source, and activity levels of persons using the building.

This factor is comprised of three levels:

(a) *Little or no activity.* There is little or no activity and, thus, little vibration in areas such as administrative offices, libraries, some classrooms, rarely used storage rooms, and fire exits. The population is quiet and non-destructive.

Score 0.

(b) *Moderate activity.* There is moderate activity that could cause regular vibration in areas such as cafeterias, corridors, and some classrooms.

Score 1.

(c) *High activity.* There is high activity and, thus, a likelihood of high vibration, if—

(1) Persons using cafeterias, stairwells, corridors, etc., are vandalous or disruptive;

(2) Rooms are used for athletic activities or contain machinery; or

(3) Areas are adjacent to very high sources of vibration (e.g., highways, certain industrial arts shops, etc.).

Score 2.

Factor 6. Air Plenum or Direct Air Stream

Undisturbed, friable, material containing asbestos within an air plenum (the space used for conveyance of conditioned air and the return of air to the conditioning unit or fan mechanism) or in an air stream has a low potential for contaminating a building's environment. However, this factor must be considered since contamination may result from contact, from damage during maintenance, repairs, or renovations, or if the air stream is very turbulent.

An air plenum exists when return air leaves a room or hall—or, in rare cases, when conditioned air enters a room or hall—through vents in a suspended ceiling and travels at low speed and pressure through the space between the actual ceiling and the suspended ceiling or ducts.

For the purpose of scoring this factor, a plenum is present if friable material containing asbestos is found in that space. A direct air stream is present if ducts for the heating or air conditioning system blow directly on asbestos material.

This factor is comprised of two levels:

(a) *No air plenum or direct air stream.*

Score 0.

(b) *Air plenum or direct air stream.*

Score 1.

Factor 7. Friability

The term friable is applied to material that can be crumbled, pulverized, or reduced to powder by hand. *In order to score the material in question, it must be touched.* The safety procedures for sampling should be followed when material is touched. (See 34 CFR 230.41.)

Material containing asbestos can vary in degree of friability. The more friable the material, the greater the potential for the release of asbestos fibers. Asbestos-containing material that is applied by spray is generally more friable than material applied by trowel.

This factor is comprised of three levels:

(a) *Low friability.* Material that is difficult yet possible to damage by hand.

Score 1.

(b) *Moderate friability.*

(1) Material that with some difficulty can be dislodged and crushed or pulverized by hand; or

(2) Material that can be removed in small or large pieces, and evidence of dust can be seen when the surface of the material is brushed by hand.

Score 2.

(c) *High friability.* Material that is fluffy, spongy, or flaking and may have pieces hanging down.

Score 3.

Factor 8: Asbestos Content

The total asbestos content of a given sample is determined by adding the percentage of each type of asbestos found in that sample.

Asbestos content must be established in accordance with the analytical techniques in 40 CFR 763.5. Building records or assumptions are not reliable or acceptable.

This factor is comprised of three levels:

(a) *Trace amounts up to one percent.*

Score 0.

(b) *More than one percent up to 50 percent.*
Score 2.

(c) *More than 50 percent.*
Score 3.

Table II.—*Calculation of Exposure Number*

Factor number	Factor score
1. Material Condition:	....
No damage or deterioration (0)	
Moderate damage or deterioration (2)	
Severe damage or deterioration (5)	
2. Water Damage:	....
No water damage (0)	
Minor water damage (1)	
Moderate to major water damage (2)	
3. Exposed Surface Area:	....
No material is exposed (0)	
10 percent more or less is exposed (1)	
More than 10 percent is exposed (4)	
4. Accessibility:	....
Not accessible (0)	
Rarely accessible (1)	
Accessible (4)	
5. Activity and Movement:	....
Little or no activity (0)	
Moderate activity (1)	
High activity (2)	
6. Air Plenum:	....
No plenum or direct air stream (0)	
Plenum or direct air stream (1)	
Sum [Add the scores of Factors 1 through 6]	....
7. Friability:	....
Low friability (1)	
Moderate friability (2)	
High friability (3)	
8. Asbestos Content:	....
0 to 1 percent (0)	
More than 1 percent up to 50 percent (2)	
More than 50 percent (3)	
Product [Multiply the score of Factor 7 by the score of Factor 8]	....
Exposure Number (Multiply the Sum by the Product)	....

Table III. Corrective Action Scale

The Corrective Action Scale provides guidance for the choice of appropriate corrective action based on the Exposure Number determined from Table II. While in most cases the Exposure Number will indicate the most appropriate corrective action, not all possibilities can be predicted with the algorithm.

In those situations in which there is some overlap in the Exposure Number Ranges or in which one of the eight factors described in Table I has an overriding effect of fiber release (see "Using the Algorithm: Step 3"), the choice of appropriate corrective action should be based on the considerations listed for each applicable range.

Corrective action	Exposure number range
Deferred action:	0-12
(a) Advantage: There is no immediate cost associated with deferred action.	
(b) Disadvantages:	
(1) The potential for exposure may increase.	
(2) A management system is required. Precautions are necessary to prevent damage during maintenance or renovation.	
(3) It is necessary to have continuous inspection and reevaluation.	
(c) When Appropriate:	
When there is negligible exposure potential.	
(d) When inappropriate:	
(1) When there is definite or questionable exposure potential.	
(2) When continuing inspection is doubtful.	
Encapsulation:	10-5
(a) Advantages:	
(1) It controls fiber release.	
(2) It is a rapid and economical method.	
(b) Disadvantages:	
(1) The source of the asbestos remains in the building.	
(2) If the material is damaged or deteriorating, the additional weight of the sealant may cause layers of the material to break away from the underlying surface.	
(3) A management system is required. Precautions are necessary to prevent damage during maintenance or renovation.	
(4) Requires continuing inspection and maintenance for damage or deterioration to encapsulated surface (i.e., future potential for fiber release is possible).	
(5) Encapsulated material is very difficult to remove if removal becomes necessary (for instance, when the building is eventually demolished).	
(c) When appropriate:	
(1) When removal is not feasible.	
(2) When the material is of low friability.	
(3) When the material still retains bonding integrity.	
(4) When damage to the material is not probable.	
(5) When accessibility to material is limited.	
(6) When the surface in question is complex (e.g., pipes, lines, and ducts).	
(7) When there are economic or time constraints.	
(d) When inappropriate:	
(1) When removal is feasible.	
(2) When the material is highly friable.	
(3) When the material does not adhere well to the substrate. The weight of the sealant may cause further damage or failure.	
(4) When the material is deteriorating or damaged.	
(5) When damage to the material is probable.	
(6) When water damage or the potential for water damage is evident.	
(7) When there is high accessibility.	
(8) When continuing inspection and maintenance of encapsulated material are doubtful.	
Enclosure:	10-50
(a) Advantages:	
(1) It controls fiber release.	
(2) It may be the most rapid, economical, and uncomplicated method.	
(b) Disadvantages:	
(1) The source of the asbestos remains in the building.	
(2) Fiber fallout continues behind the enclosure.	
(3) It may be costly if enclosure disturbs functions of other systems (e.g., enclosure may require lighting changes).	
(4) A management system is required. Precautions are necessary for entry into enclosure for maintenance or renovation.	
(5) Continuing inspection and maintenance of damage to enclosure system are required.	
(c) When appropriate:	
(1) When removal is not feasible.	
(2) When disturbance or entry into enclosed area is not likely.	
(d) When inappropriate:	
(1) When removal is feasible.	
(2) When damaged or deteriorating material causes a high level of fiber fallout.	
(3) When water damage to enclosure is likely.	
(4) When entry into enclosure is likely for repairs and maintenance.	
Removal:	40+
(a) Advantages:	
(1) It eliminates the source of the asbestos.	
(2) It ends the exposure and precludes the development of future problems.	
(b) Disadvantages:	
(1) It is usually the most costly, complicated, and time-consuming method.	
(2) Replacement of the removed material with substitute material may be necessary.	
(3) There is a higher potential for exposure of workers to asbestos hazards.	
(c) When appropriate:	
(1) When there is high exposure.	
(2) When the material is deteriorating, highly accessible, or has severe water damage.	
(3) When open material surfaces exist.	
(d) When inappropriate:	
(1) When removal is not feasible because of the location of the material and the kind of surface to which the material has been applied (e.g., removal of material from complex surfaces such as pipes, lines, and ducts may be difficult).	
Summary	
(a) If the Exposure Number is 0-12, deferred action is usually appropriate.	
(b) If the Exposure Number is approximately 40 or more, removal is usually the best corrective action.	
(c) If the Exposure Number is 10-50 and there is severe water damage or high accessibility, removal is the best corrective action.	
(d) If the Exposure Number is 10-50 and the water damage and accessibility factors are low, various factors—such as economic and time constraints and complexity of the surfaces—need to be examined. The three corrective actions possible are encapsulation, enclosure, and removal.	

Appendix B—Procedures for Containing and Removing Building Materials Containing Asbestos

These procedures have been developed by the Environmental Protection Agency and represent the best information currently available on controlling the release of fibers from friable materials containing asbestos. The purpose of the procedures is to reduce to the maximum extent possible the risk of contamination of areas of a building adjacent to the area in which asbestos containment or removal activities are being conducted and to provide maximum protection for workers involved in those activities and other users of the building. The Secretary of Education encourages comments on these procedures.

I. Introduction

(a)(1) The three methods for containing or removing material containing asbestos are:

(i) Encapsulation, in which the material is coated with a bonding agent called a sealant to prevent the release of fibers.

(ii) Enclosure, in which the material is separated from the building environment by impermeable barriers.

(iii) Removal.

(2) Each of these methods can be used separately or in combination with one or both of the others.

(b) In order for encapsulation, enclosure, or removal to reduce imminent hazards to the health and safety of school children and school employees, the work must be performed carefully. Poorly performed work not only creates a risk for persons performing this work, but is likely to increase the risk to students, school employees, and other persons using the building. To insure that the building environment and the outside air are not contaminated and that workers are protected from exposure to asbestos, all procedures for encapsulation, enclosure, or removal must—

(1) Conform to the procedures contained in Section II (of this appendix), General Work Practices.

(2) Conform to the specific work practices contained in the appropriate section of this appendix for the specific control method used. Section III contains work practices for encapsulation. Section IV contains work practices for enclosure. Section V contains work practices for removal;

(3) Comply with OSHA asbestos regulations, 29 CFR 1910.1001; and

(4) Comply with EPA regulations, 40 CFR Part 61, Subpart B, National Emission Standards for Hazardous Air Pollutants (NESHAPS): Asbestos.

(c) Persons who perform encapsulation, enclosure, or removal must become familiar with these requirements before taking any action. The OSHA and NESHAPS regulations can be found in *Asbestos-Containing Materials in School Buildings: A Guidance Document*, Part 1, which is available by calling 800-424-9065 (in Washington, D.C., 554-1404).

II. General Work Practices

All procedures for containment and removal of asbestos must comply with the following:

(a) *Medical services.* The party responsible for the encapsulation, enclosure, or removal (referred to in these appendices as "The contractor") shall provide medical services to employees as required by OSHA regulations, 29 CFR 1910.1001(j).

(b) *Worker Instruction.* The contractor and its employees shall be instructed, prior to the beginning of the encapsulation, enclosure, or removal, in—

(1) The health hazards of asbestos;

(2) The use of respirators and protective clothing;

(3) Work practices and safety procedures;

(4) Control of the release of asbestos fibers; and

(5) Proper preparation and decontamination of a worksite.

(c) *Materials.* The contractor shall obtain the following materials, which are necessary for any procedure related to the encapsulation, enclosure, or removal of asbestos: (Note: The following list does not include ordinary construction materials such as lumber and hardware. It also does not include materials that are necessary for one procedure but not the others. These are discussed in the individual sections on encapsulation, enclosure, and removal.)

(1) Respirators (see paragraph (d)).

(2) Replacement cartridges for respirators.

(3) Disposable clothing for workers, including headgear and footwear.

(4) Shoes for use in the work area. Workers may not wear the same pair of shoes in the work area as they do in the clean areas of the building.

(5) Duct tape.

(6) Polyethylene sheets (6 mil., and 2 or 4 mil.).

(7) Warning signs. (See OSHA regulations, 29 CFR 1910.1001(g)).

(d) *Respirators.* The contractor shall select the proper type of respirator in accordance with OSHA regulations, 29 CFR 1910.1001(d). The contractor shall be able to demonstrate that the type of respirator used by its employees is appropriate for the level of fibers found or expected in the work area, as required by § 1910.1001(d)(2).

(e) *Decontamination area.*

(1) Before beginning the encapsulation, enclosure, or removal, the contractor shall construct a decontamination area to prevent release of fibers to the exterior environment and to protect workers and others from fiber inhalation. This decontamination area must consist of three rooms:

(i) A clean room where workers enter and leave the jobsite.

(ii) A shower for decontamination of workers before they leave the job area.

(iii) A room for removal and storage of contaminated items. This room is referred to in this appendix as the "contaminated room."

(2) If it is possible to use existing rooms in close proximity to the worksite, it may be necessary to construct temporary tunnels, from lumber and plastic, to connect these rooms to the work area. If it is not possible to use existing rooms in close proximity to the worksite, it may be necessary to construct a temporary clean room, shower, and contaminated room, from lumber and plastic, near the work area. Although some innovation is likely to be necessary, the arrangement for the decontamination area must include the following features:

(i) There must be one clearly designated route from the clean room through the contaminated room, into the work area, and back out. The shower may be used as a segment of the passageway between the clean room and the contaminated room. The doorway between the contaminated room and the work area is the only doorway through which anyone may be allowed to enter the work area; there may not be any other entrance. If there is a doorway directly from the clear room to the contaminated room, it must be used for traffic in the direction only. No one may be allowed to go from the contaminated room to the clean area without first passing through, and using, the shower.

(ii)(A) The contractor shall construct airlocks in any passages between the clean room and the contaminated room. Each airlock must consist of two sets of two plastic sheets: one set at one end of the airlock and the other at the other end, at least two meters away. Each of the sheets must extend from floor to ceiling and be constructed of 2 or 4 mil. plastic. The plastic sheets must be hung close together, with one sheet taped along the top of the doorway and down one side and the other taped along the top and down the other side.

(B) The shower should also function as an airlock with a set of two sheets at each entrance. If the shower is the only passage between the clean room and the contaminated room, no other airlocks are necessary.

(iii) The clean room must contain a space where workers can place their street clothes and a space for the storage of clean work clothes, respirators, respirator cartridges, soap, and towels.

(iv) If there are no usable permanent shower facilities, the contractor shall construct a temporary shower. The shower must have a ceiling. The shower must have a container for the disposal of used respirator cartridges. Water from the shower must be be pumped to an existing drain in the building or collected for disposal.

(v) The contaminated room must have an area for workers to remove contaminated clothing and shoes and to store contaminated personal items (such as workshoes and gloves) and contaminated tools and equipment. It must also have containers for disposal of contaminated clothing for disposal as contaminated waste (see paragraph (k)).

(vi) Toilets, permanent or portable, must be available in the work area or contaminated room.

(f) *Work area preparation.* Before beginning the encapsulation, enclosure, or removal, the contractor and its employees shall use the following procedures to prevent the release of asbestos fibers from the work area:

(1) Clean all movable items—such as furniture and equipment—with damp cloths and store it in a clean area outside of the work area. Clean all immovable items with damp cloths, wrap the immovable items completely in plastic, and secure the plastic with duct tape. Dispose of the cleaning cloths as contaminated waste (see paragraph (k)).

(2) Bring in any large pieces of equipment, such as scaffolds and airless sprayers, that will not fit easily through the airlocks.

(3) Isolate the work area completely from the rest of the building by constructing barriers across all doorways or corridors except those in the decontamination area that are to be used by the workers. Construct the barriers so as to prohibit passage through them. Use 6 mil. plastic, and tape the seams securely.

(4) Turn off all heating, ventilation, and air conditioning systems. Seal all heating registers, vents, and air ducts with plastic sheeting and duct tape. Lock windows and seal them with plastic tape. Remove all curtains, blinds, and other window coverings.

(5) Cover the floors with at least one layer of 6 mil. plastic sheets. Bring the floor coverings up the walls and attach them with duct tape to the wall coverings approximately two feet above the floor. Cover the walls with 2 or 4 mil. plastic sheets so that the sheets overlap the floor sheets, and secure them in place with tape.

(6) Turn off all electrical circuits and lock the electrical panels or boxes. If necessary, install temporary lighting.

(7) Post warning signs outside all entrances to contaminated areas of the building as specified in OSHA regulations, 29 CFR 1910.1001(g).

(8)(i) Arrange for air monitoring and inspections as required by OSHA regulations, 29 CFR 1910.1001(f) (air monitoring services should be provided by a reputable laboratory under direct contract to the building owner). At a minimum, have a single environmental sample collected outside the building at the beginning of the project.

(ii) Each day during the encapsulation, enclosure, or removal procedure, collect at least two air samples within the work area and two air samples immediately outside the work area.

(9) Take down light fixtures in the work area. Clean them with damp cloths and remove them from the work area, or—if debris on the fixtures cannot be removed—discard the fixtures as contaminated waste (see paragraph (k)).

(10) If it is necessary to remove a suspended ceiling to reach the materials containing asbestos, carefully take down the ceiling. Clean the ceiling tiles with damp cloths and store them outside the work area, or—if debris on the tiles cannot be removed—dispose of the tiles as contaminated waste (see paragraph (k)).

(g) *Measures for worker protection.* Each worker, and any other person who enters the job site (e.g., an industrial hygienist, and inspector, etc.) shall follow these procedures:

(1) In the clean room before entering the work area, remove all street clothing, underwear, and shoes. Put on respirator, then dress in disposable coveralls and headgear (note that it is necessary to put on the respirator before the disposable headgear). Pass through the airlocks into the contaminated room. Then proceed to the work area.

(2) Never remove respirator while in the work area. No one may eat, drink, smoke, or chew tobacco or gum while in the work area.

(h) *Procedures for worker decontamination.* At the end of each work shift and before breaks, workers and any other persons in the work area shall follow these procedures when leaving the work area:

(1) Before entering the contaminated room, remove all gross contamination from disposable clothing.

(2) In the contaminated room, remove all clothing and work shoes, leaving on only the respirator.

(3) Proceed to the shower and wet hair, body, and respirator before removing respirator. Complete shower, washing thoroughly with soap and water.

(4) Remove and discard respirator cartridges in the container provided in the shower. Proceed to the clean room. Clean respirator with a disinfectant, dry it, insert new cartridges, and place respirator in a dry, clean plastic bag.

(5) Put on street clothes and shoes or a new set of disposable clothing.

(i) *Corrective action.* Refer to Sections III, IV, and V of this appendix for directions on the specific control procedures being used.

(j) *Procedures for cleaning the work area.* (Note: The contractor and its employees shall follow personal protection procedures (see paragraphs (g) and (h)) while conducting steps (1) through (7) of this paragraph (j)).

(1) Dispose of all scrap and debris from the work area, the contaminated room, and the clean room. Treat this debris as contaminated waste (see paragraph (k)).

(2) Remove all floor and wall coverings except heating and ventilation duct covers, barriers, and airlocks. Dispose of the plastic and other materials as contaminated waste.

(3) Wet-clean, with a damp mop, sponge, or cloth, all floors, walls, and other surfaces—including any furniture and equipment in the work area or contaminated room. Wait 24 hours to allow airborne fibers to settle; during this period allow no ventilation or traffic in the area.

(4) Wet-clean all surfaces again, and again wait 24 hours.

(5) Wet-clean all surfaces once more (EPA recommends that this final cleaning be supplemented by the use of a High Efficiency Particulate Absolute (HEPA) vacuum cleaner).

(6) Visually inspect the entire area to make sure it is clean. If dry wiping of surfaces reveals dust contamination, do further wet-cleaning. The monitoring of air may be required by the State or locality or specified in the contract.

(7) When the entire area is clean, dismantle all airlocks, barriers, and temporary shower facilities. Remove coverings from heating and ventilation ducts. Inspect all ducts, especially the horizontal sections, for debris containing asbestos, and vacuum with a HEPA vacuum or wet-clean the ducts, as necessary. Replace all heating, ventilation, and air conditioning filters, and dispose of old filters as contaminated waste. Dispose of all plastic and lumber as contaminated waste. Remove from the work area all cleaned equipment belonging to the contractor.

(8) Return to the work area furniture and other movable items stored during the encapsulation, enclosure, or removal. Restore electrical and other systems to operation, and return the building to normal use.

(k) *Disposal of contaminated waste.* The contractor and its employees shall follow the procedures in paragraphs (k)(1) through (4) when disposing of asbestos-contaminated waste—including asbestos-containing materials removed from the building structure, lumber and plastic used in barriers and airlocks, debris remaining on the floor, cleaning cloths, and any other contaminated materials.

(1) Place the waste in impermeable containers (EPA recommends that the waste be placed in 6 mil. polyethylene bags and that the bags be placed in sealable fiber drums). The waste containers must be sealed and labeled with warning signs as required by OSHA regulations, 29 CFR 1910.1001(g)(2).

(2) Handle containers carefully so that they do not break. The containers must be taken to the entrance of the work area, cleaned with a damp cloth, and placed in the airlock.

(3) A decontaminated worker shall take the waste containers from the airlock to a loading area for transportation to a disposal site.

(4) EPA recommends that all workers involved in disposal activities wear respirators.

(5) Dispose of the waste in compliance with EPA regulations, 40 CFR 61.22 and 61.25.

(6) Contractors using bags and drums shall observe the following procedures:

(i) If a bag is intact, it may be removed from the drum before disposal, and the drum may be recycled.

(ii) If a drum has been contaminated by leakage from a broken bag inside it, it must be buried with the bags.

III. Work Practices for Removal

These procedures are for wet removal of building materials containing asbestos. Wet removal is the most common removal method. Removal operations using other techniques are also acceptable if the contractor can demonstrate that those techniques are in compliance with EPA and OSHA regulations.

After completing construction of the decontamination area and preparation of the work area, the contractor and its employees shall follow these procedures in removing and disposing of materials containing asbestos:

(a) *The removal process.*

(1) Thoroughly saturate with water the material containing asbestos. EPA recommends the use of water that has been amended with a surfactant, or wetting agent, to increase its penetration and reduce the volume of water required. This surfactant is usually 50 percent polyoxyethylene ether and 50 percent polyoxyethylene ester or the equivalent (such as a low-sudsing soap). It is mixed with water at a rate of one ounce of surfactant to five gallons of water.

(2) Spray the amended water onto the material in a fine mist, using either an airless spray gun set at low pressure or some other low-pressure applicator such as a hand-held pesticide applicator.

(3) To make sure the material is thoroughly saturated, it may be necessary to spray it several times or to spray it once the night before removal is planned and again immediately before removal.

(4) Remove material containing asbestos, using broad-bladed putty knives or any other suitable tools. If any dry areas are exposed during the course of removal, stop scraping immediately and spray the dry material with water. To remove the last of the material containing asbestos, use a wire brush, wet rag, or sponge.

(5) Usually the material containing asbestos is allowed to drop to the ground. If the workers are standing on the ground, they can immediately place the removed material directly into sealable, impermeable containers. If scaffolding is used, the wet material containing asbestos can be collected in sealable, impermeable containers mounted on the scaffolding. One convenient method involves constructing chutes that lead directly into containers that are also attached to the scaffolding near the floor.

(6) No matter what collection technique is used, the wet material must be placed in sealable, impermeable containers BEFORE IT DRIES.

(7) If the material is to remain on the floor for any length of time, it must be periodically resprayed with water to keep it moist.

(8) EPA recommends that 6 mil. plastic bags be used as containers for asbestos waste and that the bags be placed in fiber drums for transportation to the disposal site.

(9) OSHA requires that the filled containers be sealed and warning labels attached. (See 29 CFR 1910.1001(g)(2).)

(b) *The disposal process.*

(1) The contractor shall dispose of containers of asbestos-contaminated waste in accordance with the provisions of paragraph (k) of Section II of this appendix.

IV. Work Practices for Encapsulation

(a) A contractor that encapsulates material containing asbestos in order to reduce imminent hazards to the health and safety of school children and school employees shall use sealants that have been awarded fireproofing ratings of Class "A."

(b)(1) In order to minimize the release of fibers, sealants should be applied with an airless spray gun set at the minimum pressure at which the sealant can be applied.

(2) Sealants that cannot be applied by airless spray shall be applied at the lowest possible pressure to reduce fiber release.

(c) The contractor shall consult with the sealant's manufacturer to learn the recommended coverage rate, number of coats, time allowed between coats, and dilution of sealant, if any.

V. Work Practices for Enclosure

(a) A contractor that encloses material containing asbestos in order to reduce imminent hazards to the health and safety of school children and school employees shall insure that—

(1) The material to be enclosed is not exposed to an air plenum system; and

(2) The barriers constructed to enclose the material are airtight and impermeable.

(b) Installation of an enclosure barrier usually necessitates either penetrating or touching the material containing asbestos. Because this operation is usually performed dry, higher fiber levels than those created during removal operations are usually present and may require more stringent respiratory protection for workers. These requirements are described in OSHA regulations, 29 CFR 1910.100.

[FR Doc. 80-28600 Filed 9-16-80; 8:45 am]

BILLING CODE 4000-01-M

federal register

Wednesday
September 17, 1980

Part VI

Environmental Protection Agency

Friable Asbestos-Containing Materials in Schools; Proposed Identification and Notification

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 763

[OPTS 61004; FRL 1594-5]

Friable Asbestos-Containing Materials in Schools; Proposed Identification and Notification

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes this rule to reduce risks of exposure to asbestos-containing materials in school buildings. The proposed rule would require all public and private elementary and secondary schools in the United States to identify friable asbestos-containing materials in school buildings. School officials would be required to identify friable asbestos-containing material by inspecting all areas of school buildings for friable materials, taking samples of them, and having the samples analyzed for their asbestos content in accordance with analytical protocols for Polarized Light Microscopy. The analysis may be supplemented by X-ray Diffraction where necessary.

EPA proposes that school officials be required to record the location of friable materials in the files of the school. School officials also would be required to notify employees of the location of the friable materials which contain asbestos, provide the employees with instructions on reducing exposures to asbestos, and notify the parent-teacher association for the school of the results of the inspection. All schools must retain records of any inspection, sampling, and analysis conducted pursuant to this regulation.

A school will be exempt from any procedures in the regulation which the school has already completed on its own, in conjunction with EPA's Technical Assistance Program, or in a comparable State program.

EPA has closely coordinated this proposed rule with the proposed regulations of the Education Department (ED) under the Asbestos School Hazard Detection and Control Act of 1980 (Pub. L. 96–270). ED's regulations appear elsewhere in today's edition of the **Federal Register.**

EPA is issuing this rule under the authority of section 6(a)(3) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2605.

DATES: Written comments on this proposed rule should be submitted on or before 5 p.m., E.D.T., November 3, 1980.

EPA will commence an informal public hearing at 9 a.m., November 17, 1980. Persons who wish to participate in this hearing should submit written requests postmarked no later than three weeks before the hearing. For further details on the time limits and other procedural requirements which pertain to the hearing, see Section VI of this document. Persons wishing to submit reply comments must submit them no later than 2 weeks after the close of all informal hearings on the proposed rule (see Section VI of this preamble for a discussion of reply comments). EPA tentatively plans to promulgate a final regulation by February 1981.

ADDRESSES: Written comments should bear the document control number OPTS 61004 and be submitted to: Ms. Joni Repasch, Document Control Officer (TS–793), Room E–447, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

All timely comments shall be placed in the public record which is located at the same address and is open to the public from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

EPA will hold the informal public hearing in the Humphrey Building auditorium, first floor, 200 Independence Avenue SW., Washington, D.C.

Requests to participate in the informal public hearing should be submitted to: Gordon McCurdy, Office of Pesticides and Toxic Substances (TS–974), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Larry Longanecker, Office of Pesticides and Toxic Substances (TS–794), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202–755–6660).

SUPPLEMENTARY INFORMATION:

I. Introduction

This regulatory program is the product of an extensive investigation into the problems associated with asbestos in schools and represents EPA's determination of the best method to reduce the risks of exposure to asbestos in schools. In making this determination the EPA has solicited information and assistance from a wide range of sources, including other Federal agencies, State and local personnel, school officials, interested citizens, industry representatives, and environmental and public interest organizations. In particular, a number of States and municipalities which have conducted asbestos abatement programs in schools have generously provided EPA with valuable first-hand experience and other information. EPA encourages the continued participation of interested parties and solicits comments on all aspects of this proposed rule.

A. Background

"Asbestos" refers to a group of hydrated mineral silicates which readily separate into fibers. These fibers are incombustible, possess high tensile strength, and exhibit good thermal and acoustical insulation properties.

The health effects of exposure to asbestos fibers are well documented and serious. The link between occupational exposure to asbestos and lung disease was first reported in 1927. Since World II, many researchers have investigated the carcinogenic properties of asbestos. These investigations have produced extensive epidemiologic and experimental data showing that exposure to asbestos via inhalation increases the risk of numerous diseases, among which are asbestosis (a non-carcerous lung disease), pleural and peritoneal mesothelioma (rare forms of cancer), and cancers of the lung and other organs. For a more detailed review of the health effects of asbestos, see section III–A of this document, entitled "Health Effects," and the "Technical Support Document for Regulatory Action Against Friable Asbestos-Containing Materials in School Buildings" [hereinafter "Technical Support Document" or TSD], which is in the rulemaking record.

Asbestos-containing materials have been widely used for fireproofing, thermal and acoustical insulation, and decoration in building construction and renovation. The asbestos content of these materials, varies from trace amounts to almost 100%. These materials were usually applied by spraying, but have also been trowelled onto overhead surfaces, steel beams, ceilings, walls, furnaces, and pipes.

The potential for release of asbestos fibers from asbestos-containing materials depends in part upon the types of material which contain the asbestos fiber. Soft, crumbly materials tend to release fibers more easily than do hard, cementitious materials. This regulation addresses friable materials, which are defined as all materials that when dry may be crumbled, pulverized, or reduced to powder by hand pressure.

Asbestos fibers are extremely durable, and their size and shape permit them to remain airborne for long periods of time. Fibers become suspended in the air by direct disturbance of the friable asbestos-containing materials, which causes the material to release fibers, and by resuspension of previously released fibers that have settled onto floors and other surfaces within a building. Resuspension of asbestos fibers that have settled may result from many different activities, including dusting, sweeping, vacuuming, and other activities in the vicinity of the settled fibers. This process of release and resuspension of asbestos fibers results in continued dispersal of asbestos fibers throughout the building and increases the likelihood that individuals within the building will inhale them.

On September 18, 1978, the Honorable Brendan T. Byrne, Governor of New Jersey, filed a citizen's petition under section 21 of TSCA, 15 U.S.C. 2620, requesting EPA to regulate asbestos in buildings under TSCA. On December 21, 1978, the Environmental Defense Fund (EDF) also filed a petition requesting EPA to regulate asbestos in schools.

The Administrator denied these petitions on the ground that EPA was developing a major Technical Assistance Program [hereinafter TAP] to identify and correct asbestos problems in schools and that regulatory action under section 6 of TSCA was inappropriate until EPA could assess the success of the program. EPA stated, however, that its decision to forego regulation at that time would not rule out later regulatory action, and that it would reevaluate the need for regulation at a later date. For further details on these petitions and their denial, see the **Federal Register** of April 4, 1979 (44 FR 20295) and May 9, 1979 (44 FR 27257).

The EDF filed suit in the District Court for the District of Columbia to compel EPA to initiate rulemaking. *Environmental Defense Fund vs. Douglas M. Costle, et al.*, C.A. No. 79-1360, May 18, 1979. On July 6, 1979, the Acting Administrator announced that EPA has reconsidered the issue of rulemaking and had decided to grant the petitions of the Environmental Defense Fund and the State of New Jersey. Accordingly, EPA issued an Advance Notice of Proposed Rulemaking (ANPRM) for Asbestos-Containing Materials in Schools in the September 20, 1979 issue of the **Federal Register** (44 FR 54676). For a detailed description of the TAP and for additional background information on this rulemaking, interested persons should refer to the discussion in this ANPRM.

B. Results of the Technical Assistance Program.

EPA's Technical Assistance Program [TAP] provided many States and school districts with guidance and technical information on asbestos abatement and encouraged schools to identify and remedy their asbestos problems. More than half of the nation's schools have been inspected for friable materials, and have samples and analyzed such materials where they were found.

However, EPA has determined that not all schools have adequately inspected for and identified their potential asbestos problems. The asbestos coordinators within each of EPA's ten Regional offices, reports from several States and municipalities, and other sources of information generated by the TAP have indicated that many schools have not been adequately inspected for the presence of asbestos-containing friable materials.

Information on a number of State and county programs indicates that some of the schools which reported inspecting their buildings have followed procedures which are inadequate for identifying asbestos problems. One State, for example, inspected all school buildings and samples all friable materials, but analyzed the samples for only one type of asbestos.

Another State program relied entirely upon air sampling in school buildings to assess asbestos problems. As air sampling does not identify the content of bulk materials and may not reliably indicate the risk presented by the presence of friable asbestos-containing materials, the inspections and analyses conducted under the program were inadequate.

Still others have relied on building records or visual inspections alone to determine the presence of asbestos. Building records or visual inspections without bulk sample analysis do not provide an accurate method for identifying friable asbestos-containing materials.

In addition, many of the schools which have located friable asbestos-containing materials may not have notified their custodians and other employees of the location of these materials and of methods to reduce exposures. The notification requirement in this proposed rule is an important addition to the TAP and is an essential element in reducing peak exposures that may occur in the interim period before schools take final abatement actions.

Because possibly 40% of the schools have not yet taken steps to identify friable asbestos-containing materials, and because over 250,000 teachers and custodians may occupy contaminated schools with no adequate notice on protecting themselves and the 3,000,000 children in those schools, EPA has decided to forgo continued reliance upon the TAP and to proceed with rulemaking under section 6.

C. EPA's Regulatory Program

EPA is proceeding with its asbestos school regulatory program in two parts. This proposed identification and notification rule is the first part. Later in 1980 EPA intends to proceed with an assessment and abatement progam as the second part.

By splitting the program into two parts, EPA is able to begin the process of identifying asbestos in schools and avoid unnecessary delay. Promulgation of an abatement rule must await completion of EPA's investigation into a number of technical issues relating to corrective actions for friable asbestos-containing materials. EPA is proposing this identification rule now so that schools may begin the identification process, which will require up to nine months to complete because of the limited availability of analytic laboratories to analyze samples of asbestos and because of the practical time constraints under which schools operate. By the time schools complete this identification stage of their asbestos programs, EPA will have completed its technical investigations and will have proceeded with the second phase of the program, and schools will be prepared to commence abatement actions.

Furthermore, implementing this identification and notification rule without delay will enable schools to reduce risks of peak exposures which may occur in the near future by controlling the type of activities and maintenance practices in the vicinity of friable asbestos-containing materials, and by instructing maintenance personnel to avoid the materials altogether or minimize disturbances of them.

EPA emphasizes that these identification and notification requirements carry major implications for the health of school children and employees and for the costs of the overall program. Later abatement actions will rely on the results of inspection under this rule. An erroneous determination that certain friable materials contain asbestos may result in significant, unnecessary expenditures. Conversely, a determination that certain friable materials do not contain asbestos, when in fact they do, may result in failure to reduce serious risks to the children and employees who occupy the school. EPA therefore urges school officials to exercise care when inspecting and sampling friable materials.

D. The Proposed Rule

The proposed rule would require that proper steps be taken to identify friable asbestos-containing materials in schools. These steps are:

1. inspecting all areas in the school building which may have friable materials applied to walls, ceilings, pipes or building structural parts;

2. grouping friable materials that are similar in texture and appearance into "sampling areas" for the purpose of sampling and analysis;
3. taking at least 3 samples from each sampling area;
4. analyzing these samples using Polarized Light Microscopy, supplemented if necessary by X-ray Diffraction, as described in "Methods for the Determination of Asbestiform Minerals in Bulk Samples by Polarized Light Microscopy and by X-ray Powder Diffraction" a copy of which can be obtained by calling 800–424–9065 (in Washington, D.C., call 554,1404);
5. determining an estimated percent asbestos content for each sampling area by averaging all reported analyses for that area. The rule also requires documentation of these steps by maintaining records in the school.

The proposal contains three notification requirements. First, all schools must post a notice that inspection, and, if needed, sampling and analysis have been conducted. Second, in schools with friable asbestos-containing materials, officials must notify employees of methods to be used to avoid or reduce exposure to asbestos. Third, schools must also notify their parent-teacher association if friable asbestos-containing materials are found.

Officials of local education agencies are responsible for implementing these requirements. EPA encourages these officials to make use of all technical assistance which may be available from States, commercial laboratories, or contractors. Inspections, sampling and analyses conducted by States will satisfy the requirements of the rule insofar as the required procedures have been followed. School officials will not be required to repeat sampling and analyses which followed the guidelines set forth in EPA's "Asbestos-Containing Materials in Schools: A Guidance Document," copies of which are available from EPA by calling 800–424–9065 (in Washington, D.C., call 554–1404).

E. Federal Assistance

On May 16, 1980, the U.S. Congress passed the Asbestos School Hazard Detection and Control Act of 1980. The Act establishes as its primary purpose a Federal grant and loan program to assist local educational agencies in detecting and controlling asbestos hazards. Section 5 directs the Secretary of Education to establish a direct grant program to local educational agencies for 50% of the costs of detecting the presence of asbestos in schools. Similarly, section 6 of the Act directs the Secretary to administer a long term loan program for 50% of the costs of containing or removing asbestos materials in schools which pose imminent hazards to school children and employees.

The Act requires each State to submit to the Secretary a plan describing the procedures by which the State will distribute to local educational agencies information compiled by the Secretary on asbestos. The plan also include procedures by which each State will retain records and report to the Secretary on the asbestos related actions taken by the State.

The Act authorizes the Secretary of Education to establish an Asbestos Hazards School Safety Task Force (hereinafter "Task Force") to compile medical, scientific, and technical information on the health hazards of asbestos and the means to identify, sample, and test materials suspected of emitting asbestos fibers. Section 4 of the Act also directs the Task Force to distribute this information to State educational agencies, to review grant and loan applications submitted to the Secretary for asbestos detection and control programs, to review EPA guidelines, and to assist the Secretary in promulgating standards and safety procedures under section 7 of the Act.

Section 7 of the Act requires the Secretary to establish technical standards and safety procedures for testing the level of asbestos fibers in schools, for evaluating the likelihood of leakage of asbestos fibers, and for containing and removing asbestos materials. Section 7 also directs the Secretary to establish procedures for replacing asbestos materials with substitutes and restoring school buildings in conditions comparable to those existing before the containment or removal activities, and contractor standards for carrying out such procedures. Grants and loans under sections 5 and 6 shall be available only for those programs which conform to the standards established by the Secretary under section 7.

EPA and the Department of Education have closely integrated this proposed Identification and Notification rule and the proposed Department of Education role for assistance programs which appears elsewhere in today's edition of the **Federal Register**. This integration is particularly apparent in the areas of recordkeeping and reporting and technical standards and criteria. EPA's proposed Identification and Notification rule requires local educational agencies to retain information which is similar to the information which each State, under the Asbestos School Hazard Detection and Control Act of 1980, must retain at the State level. Because of the State recordkeeping requirement, EPA's proposed rule does not require local educational agencies to report. EPA is, however, considering imposing in the final rule a limited reporting requirement under TSCA if, during the rulemaking proceedings, EPA decides that information recorded by the States would be inadequate to meet EPA's enforcement needs.

The Department of Education and EPA will also integrate their technical standards and protocols so that local educational agencies which comply with the Identification and Notification rule shall qualify the federal assistance under the Asbestos School Hazard Detection and Control Act of 1980. Interested persons should consult the Department of Education's proposed regulations to obtain further details on applying for federal assistance and to assist in complying with this proposed Identification and Notification rule.

II. Legal Authority

A. Unreasonable Risks

If the Administrator finds that the use of a chemical substance or mixture presents an unreasonable risk of injury to human health, section 6(a) of TSCA requires him to apply one or more of a number of requirements to such substances or mixture to the extent necessary to protect against the risk.

The finding of unreasonable risk for section 6(a) involves an administrative judgment which balances the probability that harm will occur and the scope and severity of the harm against the adverse effects of the possible regulatory action. Because the probability and severity of harm are elements of risk which may vary in relation to each other, the Administrator may find an unreasonable risk by a lesser probability of a greater harm as well as by a greater possibility of a lesser harm.

Section 6(c)(1) of TSCA describes the factors which EPA must consider when determining whether a chemical substance or mixture presents an unreasonable risk. Section 6(c) provides:

> In promulgating any rule under subsection (a) with respect to a chemical substance or mixture, the Administrator shall consider and publish a statement with respect to—
>
> (A) the effects of such substance or mixture on health and the magnitude of the exposure of human beings to such substance or mixture,
>
> (B) the effects of such substance or mixture on the environment and the magnitude of the exposure of the environment to such substance or mixture,

> (C) the benefits of such substance or mixture for various uses and the availability of substitutes for such uses, and
>
> (D) the reasonably ascertainable economic consequences of the rule, after consideration of the effect on the national economy, small business, technological innovation, the environment, and public health.

B. Identification and Notification

EPA proposes this Identification and Notification Rule under the authority of section 6(a)(3) of TSCA, which provides that EPA may impose on a chemical substance or mixture that presents an unreasonable risk:

> A requirement that such substance or mixture be marked with or accompanied by clear and adequate warnings and instructions with respect to its use, distribution in commerce, or disposal or with respect to any combination of such activities. The form and content of such warning and instructions shall be prescribed by the Administrator.

Thus section 6(a)(3) explicitly authorizes EPA to require school officials to provide warnings to school employees of the location of asbestos and instructions on how to reduce exposures. The section implicitly authorizes EPA to require those officials to inspect for and identify friable asbestos-containing materials in school buildings to determine whether the schools are subject to the warning and instruction requirements.

The interpretation that section 6(a)(3) provides this implicit authority is essential if EPA is to implement the Congressional policy found in section 2 of TSCA that "adequate authority should exist to regulate chemical substances and mixtures which present an unreasonable risk of injury to health or the environment." A warning requirement under 6(a)(3) will reduce risk to the extent that persons exposed to the chemical, once warned, will either avoid using the chemical or take precautions to avoid unnecessary exposure. But a warning requirement will not reduce risks if those to whom the requirement applies are not obligated to determine whether they are actually subject to the requirement.

III. Findings

This section presents the proposed findings which the Administrator must make in order to regulate friable asbestos-containing materials under section 6(a) of TSCA.

A. Findings Required by Section 6(c)

This part presents the statement required by section 6(c) of TSCA.

1. *Health effects of and magnitude of exposure to asbestos.*

a. *Health effects.* This part summarizes EPA'S proposed findings on the health effects of asbestos. A detailed discussion of these findings is in the health effects section of the Technical Support Document.

The adverse health effects of asbestos exposure are serious. The primary evidence for these adverse health effects comes from numerous epidemiologic studies which have shown that inhalation of asbestos by humans increases risks of developing asbestosis, pleural and peritoneal mesothelioma (cancers of the linings of the thoracic and abdominal cavities), and cancers of the lung, larynx, oral cavity, esophagus, stomach, colon, and kidney. The epidemiologic evidence is supplemented by studies showing similar effects among laboratory animals.

The diseases caused by asbestos inhalation are irreversible. Asbestosis is a disease for which there is no effective treatment and which can lead to death. Pleural and peritoneal mesothelioma are virtually always fatal. Treatment of lung cancer is usually unsuccessful. The other types of cancers, amenable to medical treatment to varying degrees, may also lead to premature death.

There is a long induction or latency period for development of diseases resulting from asbestos exposure. Asbestosis and asbestos related cancers may not appear until 15 to 40 years after first exposure.

While exposure to asbestos alone produces a significant increase in the risk of lung cancer, epidemiologic research has shown that the combined effects of cigarette smoking and asbestos exposure produce a marked increase in the risk of lung cancer that is greater than the sum of the increases independently produced by the two agents.

Even after inhalation of asbestos has ceased, individuals continue to be exposed over their lifetimes to asbestos fibers. Not all inhaled fibers will reach or lodge in the lungs. Some fibers will be trapped in the nose before reaching the lungs and will be either swallowed or expectorated; other fibers are cleared after reaching the lungs and, similarly, swallowed or expectorated. Fibers up to 200 microns in length may penetrate to the lung alveoli. Many of these fibers will remain in the lungs for years and some will never be cleared. Fibers which are swallowed may eventually penetrate the gastrointestinal tract and be distributed throughout the body to tissues such as those in the brain and reproductive organs.

The epidemiologic data document injuries to health which have occurred at long and short-term occupational exposures. The epidemiologic studies have for the most part considered asbestos miners and millers, workers in asbestos-processing industries, and asbestos insulation workers. Exposures among these populations were generally long-term and at high airborne concentrations. Occupational exposures as brief as three months, however, have been shown to increase the risk of lung cancer and mesothelioma. One group of asbestos factory workers with less than three months of occupational exposure had a fourfold increase in lung cancer risk. Many of these studies also show a positive dose-response relationship; that is, higher exposures, whether measured in terms of duration or intensity or both, resulted in greater risks of disease.

There are also direct demonstrations of adverse health effects from nonoccupational asbestos exposure. Persons who merely lived in the same household as asbestos workers have developed pleural mesothelioma and signs of asbestosis. Persons living near asbestos mining areas, asbestos products factories, or shipyards have developed pleural mesothelioma.

b. *Magnitude of exposure in schools.* Airborne concentrations of asbestos in school buildings which have friable asbestos-containing materials ar frequently higher than asbestos concentrations in the ambient air. The specific airborne concentration in a given building at a given time depends on such factors as the condition and accessibility of the friable material, the amount of activity, and cleaning methods used in the building.

The prevailing concentration of asbestos (the concentration of asbestos present most of the time in occupied, active areas) in buildings which have exposed friable asbestos-containing materials is estimated to be between 58 nanograms per cubic meter (ng/m^3) and 270 ng/m^3, and may be as high as 500 ng/m^3. For comparison, the airborne concentration of asbestos in urban ambient air is usually below 10 ng/m^3.

"Peak" exposures can occur much in excess of the prevailing concentration of asbestos in buildings. These peaks will occur during damage, repair, renovation, or cleaning, when the friable asbestos-containing material is conducted or settled asbestos fibers are resuspended. Airborne concentrations as high as 17 fibers per cubic centimeter (f/cc) (equivalent to 567,00 ng/m^3) have been measured during removal of a small section of ceiling covered with friable asbestos-containing material, and simple maintenance and cleaning chores can lead to concentrations between 0.2 f/cc and 15 f/cc (6,600 to 500,000 ng/m^3).

The cumulative exposure incurred by someone using a building with friable asbestos-containing materials will be the result of both prevailing and peak concentrations. The cumulative exposure of a person occupying a building for 1 year could be 270 ng-years/m^3, based only on prevailing concentrations. If that person were also exposed to peaks of 2 f/cc (66,000 ng/m^3) for 5 minutes a day, his additional cumulative exposure would be about 700 ng-years/m^3, more than doubling his total exposure.

An estimated 3 million students, 250,000 teachers and staff, including 23,000 janitors and maintenance personnel, regularly use the 8,600 public schools estimated to have friable asbestos-containing materials in the United States. All of these persons may be assumed to be exposed to the prevailing level of asbestos in active areas of the building.

c. *Risks Due to Low Level Exposure in Schools.* Epidemologic studies demonstrate that exposure to asbestos in workplaces has increased the risk of cancer. Exposure is occurring in schools with friable asbestos-containing material, but the airborne concentrations of asbestos are usually well below those to which workers were commonly exposed. This section presents EPA's estimate of risk attributable to these lower exposures.

Given that several epidemiologic studies indicate that there is a positive relationship between asbestos exposure and the risk of cancer, several models may be used to extrapolate from risk at higher exposure to risk at lower exposure. One such model is the linear non-threshold dose-response model, in which any exposure is assumed to increase risk and the increase in risk is assumed to be directly proportional to the increase in exposure.

The linear non-threshold dose-response model is appropriate for estimating the risks of cancer mortality due to asbestos in schools. Cancer policies of EPA [1] and the Regulatory Council [2] support the use of the linear non-threshold model for chemical carcinogens. The linear model usually results in higher estimates of risk than would be the case for other equally plausible models, and its use provides the highest degree of public health protection. Furthermore, dose-response curves from studies of asbestos workers are reasonably consistent with a linear dose-response relationship for asbestos-induced cancer. There is no strong evidence of a threshold level of asbestos exposure below which there is no increase in risk.[3]

EPA's quantitive assessment of the risk in schools is based on extrapolations assuming in linear non-threshold dose-response curve. The result is presented as a range of premature deaths that may result from such exposure.[4] In using this model, two concepts must be introduced: cumulative exposure and lifetime risk.

Cumulative exposure is determined by the average airborne concentration to which the person is exposed and the time for which the person is exposed to this concentration. The measure of cumulative exposure is the nanogram-year per cubic meter (ng-year/m^3), which is determined by multiplying average exposure in nanograms per cubic meter (ng/m^3) by the number of years of exposure. A given cumulative exposure is assumed to carry the same risk, whether derived from many years' exposure at low levels or a few years' exposure to much higher levels.

The lifetime risk is the probability that a person who has been exposed to asbestos will die prematurely as a result of that exposure. Under the chosen model, the lifetime risk is a linear function of the person's cumulative exposure after a suitable induction period (in this case 20 years) has elapsed.

EPA bases its quantitative estimate of the lifetime risk due to asbestos exposure on an epidemiologic study which covered over 12,000 asbestos insulation workers who had been exposed for at least ten years and who had survived at least 20 years after first exposure. The estimate of lifetime cancer risk was 48%, with a 95% confidence interval of 38% to 57%. That is, the death rate of the workers in this study is estimated to have been from 38% to 57% higher than expected because of premature deaths from cancer due to asbestos exposure. The average cumulative exposure incurred by these workers is estimated to have been between 2,000,000 ng-yr/m^3 and 10,000,000 ng-yr/m^3, with a best estimate of 6,000,000 ng-years of exposure.

According to EPA estimates which are explained in detail in the Technical Support Document, between 100 and 6,800 persons may be expected to die prematurely of cancers due to exposure to asbestos at the prevailing levels in schools, with a most likely estimate of 1,100 premature deaths.[5] This estimate is based on the assumptions that: a linear dose-response relationship for lung cancer and mesothelioma holds at airborne asbestos concentrations as low as 58 ng/m^3; the 3.2 million persons using schools with friable asbestos are exposed to the "prevailing" level throughout the school day and year;[6] and the average school and friable asbestos-containing materials will continue in use for thirty years.

This quantitative estimate does not include an estimate of the premature deaths that may result from exposure to peak concentrations.[7] Students, teachers, and school administrators may only occasionally encounter peak exposures. Janitors and maintenance personnel, however, are much more likely to incur exposure to peak concentrations because they are directly involved in activities which most often generate these peaks. Workers may often encounter intense exposures as they conduct repair operations which involve asbestos-containing materials, or as they sweep, dust, and clean in contaminated areas.

Monitoring studies of such activities indicate the seriousness of these possible exposures. For instance, janitors who sweep in contaminated areas for five minutes every day could double their exposure (see the section immediately preceding this entitled "Magnitude of Exposure in Schools".) Cleaning and moving books in a library area can generate fiber concentrations up to 15.5 f/cc (500,000 ng/m^3) and, minor ceiling repairs may cause fiber concentrations to exceed 17 f/cc (567,000 ng/m^3).

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[1] See *Interim Procedures and Guidelines for Health Risk and Economic Impact Assessments of Suspected Carcinogens,* Environmental Protection Agency, published in the **Federal Register** of May 25, 1976 (41 FR 21402): and *Scientific Bases for Identification of Potential Carcinogens and Estimation of Risk,* Consumer Product Safety Commission, Environmental Protection Agency, Department of Health, Education and Welfare, Department of Agriculture, published in the **Federal Register** of July 6, 1979. (44 FR 39858, 39873)

[2] The Regulatory Council was established by President Carter in October 1978 to coordinate the activities of federal regulatory agencies and to assist them in implementing their regulatory programs in a consistent and cost-effective manner. It consists of representatives from 35 agencies and departments with significant regulatory responsibility. The Council's Cancer Policy is set forth in *Regulation of Chemical Carcinogens,* Regulatory Council, September 28, 1979.

[3] Technical Support Document for Regulatory Action Against Friable Asbestos-Containing Materials in Schools, Office of Pesticides and Toxic Substances, EPA, June, 1980, at pages 95–97. [hereinafter T.S.D.]

[4] Quantitive risk assessments are rough estimates of potential hazard. They are one factor EPA considers in determining whether a chemical presents an unreasonable risk. The actual number of deaths which will occur may vary due to such factors as uncertainties in the extrapolation of dose-response data to low dose levels and differences in individual susceptibility to disease.

[5] EPA regards these risks as serious. EPA is not at this time proposing an abatement rule because certain technical issues respecting the selection of the proper techniques for reducing risks require resolution, but expects to resolve these issues by late 1980.

[6] Estimates of prevailing levels are based on information from buildings in which the asbestos-containing material is exposed, that is, not behind a barrier. Since in some schools the asbestos is behind a barrier, some part of this population may not be exposed to the "prevailing" levels.

[7] It should be noted, however, that the estimate does include the contribution of peak episodes to increasing the prevalent concentration in the building.

EPA has refrained from attempting to quantify the total increased risks occurring from peak exposures because of the difficulty of estimating the frequency of disturbances to the material and the duration of peak airborne concentrations. However, EPA finds it reasonable to conclude that such activities may occur frequently and that, consequently, the risks of injuries during these activities may be much greater than the risks from prevalent exposure.

2. *Environmental effects and magnitude of environmental exposure.* Section 6(c) requires the Administrator to state the relevant factors and key considerations which form the basis for regulatory action under section 6(a). This regulation addresses risks to human health and is issued to reduce exposures to school children and employees to airborne asbestos. The environmental effects of asbestos and the magnitude of environmental exposure to asbestos are not relevant to this rulemaking.

3. *Benefits of asbestos in schools and availability of substitutes.* The benefits of having friable asbestos-containing materials in schools and the availability of substitutes for them are not relevant to this rulemaking since the regulation will not require schools to forego the benefits conferred by these materials. To the extent that asbestos-containing materials confer benefits of thermal or acoustical insulation, or other benefits, they may continue to do so. EPA therefore, does not consider it necessary for this particular rulemaking to publish a detailed review of the benefits of asbestos or of available substitutes.

4. *Economic effects.* This section presents EPA's determinations of the economic consequences of this regulation as required by section 6(c)(1)(D) of TSCA.

EPA consulted States agencies involved in asbestos school programs, school districts which responded to the survey form distributed as part of EPA's Technical Assistance Program, laboratories which analyze suspect materials, and contractors offering a variety of services to schools. Using the data obtained from these sources, EPA computed the unit costs of the major individual actions required by the rule (inspection, sampling and analysis of materials, recordkeeping, and notification of employees), and estimated the rule's impact on individual schools. EPA also estimated the number of schools in the country which will be affected by each of these requirements and the rule's nationwide economic impact.

EPA estimates that the overwhelming majority of schools will each spend less than $50 on compliance with the regulation, and that the total cost for all schools will be approximately $5.2 million.

a. *Unit costs.* The unit cost is the cost of carrying out a single action in one school. EPA estimated unit costs for: inspecting a school; taking bulk samples of friable material; analyzing samples for asbestos content; compiling a record of inspections, sampling and analyses; and notifying the school's employees that the school does or does not contain asbestos. The estimates of average unit costs are summarized in the table below:

Table I.—*Average Unit Costs*

[Costs of single actions for individual schools]

Action	Unit cost
Inspection	$21.00
Sampling	25.00
Analysis	129.00
Recordkeeping:	
For schools with friable material	25.00
For schools without friable material	10.00
Notification:	
For schools with asbestos	42.50
For schools without asbestos	12.50
Recordkeeping (Unit cost for a school district)	20.00

The average unit cost for inspecting a school for friable materials is $21. The procedure requires no special equipment, and involves only labor costs; the unit cost depends primarily on the size of the school and the salary of the inspector. A variety of professionals have carried out inspections, among them superintendents, engineers, maintenance persons, architects, and public health coordinators. EPA's estimate of average unit cost is based on information obtained from 247 school districts regarding the time required to inspect and the hourly salary of the inspector.

The sampling procedures entail minimal costs for postage and for small containers for samples. Here, again, the major component of unit cost is labor, primarily for locating appropriate sampling areas, taking samples, finding an acceptable laboratory, and monitoring the quality of the analysis. EPA estimates that the average unit cost of sampling is $25.

The average cost for analyzing one sample for asbestos by Polarized Light Microscopy (PLM) is $43, although costs reported by 76 laboratories ranged from $10 to $150. A school which has one type of friable material will be required to take three samples and have them analyzed using PLM, for an average cost per school of $129. Some schools may use X-ray Diffraction (XRD) as a back-up method; the cost for this type of analysis is $70 per sample, with costs ranging from $55 to $200 at the 52 responding laboratories. If all three of a school's samples require supplementary analysis by XRD, the cost for analysis would increase to $339.

The unit cost for analysis will increase if more than one sampling area is identified, since this will entail the analysis of at least three additional samples. The unit cost will also increase if more than three samples are taken in a large sampling area or if additional samples are needed because initial results are inconclusive. For example, a school which identifies 2 large sampling areas, takes 7 samples from each, and uses XRD on one-half the samples will incur a cost for analysis of nearly $800. However, EPA believes that the limited number of such cases will not substantially affect the average unit cost.

The unit cost for a school to prepare and maintain a record of inspections, sampling, and analysis will vary according to the presence or absence of friable materials in the school. If friable materials are present, the average unit cost is $25: this estimate assumes that clerical workers who receive $10 per hour will require 2 hours to record data on the location of materials and sample sites and 0.5 hours to prepare copies of laboratory information.

The unit cost for recordkeeping will be much less if the school contains no friable materials. Recording data on sample sites and maintaining copies of correspondence with laboratories will not be necessary; hence, for schools which contain no friable materials, the average unit cost will be only $10.

The unit cost of notifying employees of the results of the inspections and analyses depends on whether the school has friable asbestos-containing materials. If such materials are present, the average unit cost will be $42.50; this estimate is based on 3 hours labor at $10 per hour to prepare notices and ½ hour at $25 per hour to inform employees. The absence of friable asbestos-containing materials in the building would preclude the need to prepare notices, and thus reduce the unit cost to $12.50.

The average unit cost per school district for compiling results of inspections of its schools is $20, based on 2 hours of labor at $10 per hour. Larger districts will, of course, incur higher costs than $20, but for the many school districts which comprise only one school, the cost will be much less.

These unit cost estimates can be combined to estimate the impact of the rule on a school for which a specific set of actions is required. If a school contains friable materials, it will incur costs for inspection ($21), sampling ($40), analysis ($129 for 3 samples analyzed by PLM), recordkeeping ($25), and notification of employees ($12.50 or $42.50, depending on whether the material contains asbestos. The average total cost for such a school is therefore $227.50 or $257.50.

However, for the majority of the schools the costs will be much less. If a school has no friable material, it need only inspect ($21), record the results of the inspection ($10), and notify its employees ($12.50) for a total average cost of about $43.50. A school which has previously been inspected and which contains no friable materials will incur a cost of only $22.50 for recordkeeping and notification.

b. *Total cost of compliance.* This section contains EPA's estimates of the number of schools which will be affected by each of the rquirements of the rule; the total cost of compliance is summarized in the following table.

This estimate of the total cost of compliance does not account for the financial assistance that the Department of Education will provide to local educational agencies through the Asbestos Hazard Detection Program. Because this program will pay for up to 50% of the costs of complying with this regulation, EPA estimates that the actual total economic impact on local educational agencies may be significantly less than estimated here.

Table II.—*Compliance Costs*

Action	Unit cost	Schools affected	Total cost (in thousands)
Inspection	$21.00	44,000	$924
Sampling	25.00	5,600	140
Analysis	129.00	5,600	722
Recordkeeping:			
For schools with friable material	25.00	14,000	350
For schools without friable material	10.00	96,000	960
Notification:			
For schools with asbestos	42.50	10,300	438
For schools without asbestos	12.50	99,700	1,246
Recordkeeping (for school districts and private school organizations)	20.00	19,000	380
Total			5,160

There are approximately 91,000 public and 19,000 private elementary and secondary schools in the country. The 91,000 public schools are organized into about 16,000 school districts.

Many schools have already been inspected (and where necessary, have sampled and analyzed) in response to State programs or to EPA's Technical Assistance Program. These schools will not have to repeat inspections, sampling, and analyses in order to comply with this rule. The number of public and private schools which remain to be inspected is approximately 44,000. This estimate may vary because inspections or sampling and analyses have in some cases been incorrectly carried out.

EPA's estimate that 44,000 public and private schools remain to be inspected is based on analysis of information obtained from State asbestos coordinators and from several well-documented State and local government reports. This information comes mainly from eleven States; of the 30,093 public schools in these States, 17,878 have been inspected. 40% of the public schools in these States have not been inspected. Assuming that this percentage is indicative of that of the nation as a whole, 36,400 public schools in the nation remain to be inspected. EPA does not have extensive data on private schools, but estimates that a similar ratio holds for private schools and public ones. Therefore, 40% of the private schools in the country, or 7,600 private schools, are estimated to require inspection.

Thus, a total of 44,000 public and private schools throughout the country will be affected by the inspection requirements. The total cost for compliance with these requirements will be 44,000 × $21 = $924,000.

EPA estimates that 5,600 public and private schools will be affected by the sampling and analysis requirements of the rule. Based on information obtained from its survey of public schools and State and local government reports, EPA estimates that 11,600 public schools have friable materials. Assuming that a similar percentage (12.7%) of private schools have friable materials, EPA calculates that 2,400 private schools (12.7% of 19,000) have such materials. The total number of public and private schools with friable materials is therefore 14,000.

However, 60% of these schools have already been inspected and the materials in them sampled and analyzed. If 40% of all schools have not already been inspected, sampled and analyzed, 5,600 schools still require sampling and analysis of friable materials. The cost of sampling and analyzing the friable materials found in these schools will be 5,600 × ($25 + $129) = $862,400.

All 110,000 public and private schools will be affected by recordkeeping requirements. However, the majority of schools will not contain friable materials and will incur only the lesser recordkeeping costs. EPA estimates that 14,000 schools will find friable materials and will therefore spend $25 each for recordkeeping; the remaining 96,000 do not have friable materials and will require only $10 each for recordkeeping. Thus the total cost for all schools to comply with the recordkeeping requirements of this regulation will be about (14,000 × $25) + (96,000 × $10) = $1,310,000.

Similarly, all schools will be affected by the requirement that employees be notified of the presence or absence of asbestos in their buildings, but the majority will incur only the lesser notification costs. EPA estimates that 100,000 schools will be found not to have asbestos-containing materials and will therefore need to spend only $12.50 each to notify their employees. The other 10,000 schools which do have asbestos-containing materials will incur costs of $42.50 each, making the total cost for all 110,000 public and private schools to notify their employees (10,000 × $42.50) + (100,000 × $12.50 = $1,684,000.

All 16,000 public school districts and about 3,000 private school organizations must also compile a record. The cost of preparing and maintaining 19,000 records is estimated to be $380,000.

5. Other EPA Statutes

Section 6(c) of TSCA also requires that if the Administrator determines that a risk of injury to health or the environment could be eliminated or reduced to a sufficient extent by actions taken under another Federal law administered by EPA, the Agency may not promulgate a rule under section 6(a) of TSCA to protect against the risk unless the Administrator finds it is in the public interest to use TSCA. EPA has found no other Agency administered statute that will enable it to eliminate or reduce the risks against which this rule protects.

B. Findings Required by Section 6(a)—(1) Unreasonable Risk

On the basis of the foregoing factual information and on the information in the rulemaking record, EPA has concluded that the presence of unidentified friable asbestos-containing materials in schools and the absence of notice of their presence and of instructions on reducing exposure constitute an unreasonable risk of injury to school children and school employees.

The presence of unidentified friable asbestos-containing materials in school buildings increases significantly the likelihood that peak exposures to asbestos will occur. Since peak exposures to asbestos in schools entail risks of serious injuries which may be reduced at extremely low costs, EPA finds that these exposures present an unreasonable risk and should be reduced accordingly.

Peaks will occur during distrubances of the friable material (either accidental or during repair or renovation operations) and during resuspension of previously released fibers by cleaning and maintenance operations (sweeping, dusting, vacuuming, etc.), or by general activities in the vicinity of fibers that have settled on floors and other surfaces.

The 10,300 schools which EPA estimates contain friable asbestos-containing material employ over twenty thousand custodians and other maintenance personnel. These custodians will sweep in areas containing friable asbestos. They will clean and dust in these areas; they will change lights in ceilings covered with friable asbestos-containing materials; they will undertake minor repairs and renovations. Without knowing that these areas contain asbestos, these custodians will undertake normal maintenance activities with no protection against unnecessary exposures, and they will risk serious injuries as a result.

Moreover, all of these activities which cause peak exposures further contaminate the building and increase the prevailing concentrations. Sweeping, dusting, and cleaning suspend previously released fibers and disperse them throughout the building. Minor repairs and distrubances to the friable asbestos-containing materials release additional fibers. Both types of activities will increase prevalent concentrations which, in turn, will increase the risk to the larger population of children, teachers, and school administrators who occupy the buildings.

Estimates based on the linear dose-response model and the numerous documented case histories of serious injuries resulting from brief short-term exposure provide ample evidence that these peak exposures that are occurring in schools present risks of serious injuries.

EPA finds that the requirements of this proposed regulation will reduce these risks. EPA believes that school officials and maintenance personnel, once informed of the risks of asbestos and of interim measures to avoid the risks, will act in their own best interests and the interests of school children to reduce the peak exposures as much as possible. If friable asbestos-containing materials in schools are identified, custodians will be able to avoid them during renovation projects and minimize the disruptions of them during routine maintenance. If the custodians are provided with information on the use of wetting agents and on proper work practices when conducting necessary repairs and renovations, they will be able to reduce fiber release during such operations and reduce risks to themselves and to others. Instructions on proper cleaning activities in contaminated areas, including wet mopping and wet dusting, will reduce risks caused by unnecessary resuspension of asbestos fibers that would otherwise occur.

Finally, once local school officials know of the presence of friable asbestos-containing materials in buildings, they can take steps to ensure that occupants of the building avoid areas which contain the materials or avoid activities which unnecessarily disturb the materials.

Thus, by identifying the friable asbestos-containing materials in school buildings and by implementing specific interim control procedures for reducing exposures, local school officials will reduce the risks of injury resulting from such exposures to school children, custodians, and other building occupants.

In addition to reducing peak exposures, the requirements of the regulation will reduce the prevalent level of fiber concentrations in schools by reducing the number of fibers contributed to this level by repeated distrubances and resuspension. However, EPA does not regard this reduction in prevalent exposures as sufficient to protect the health of children and other building occupants over the long term. Identifying friable asbestos-containing materials in school buildings is the first step in an overall two-stage asbestos abatement program for schools. EPA intends to proceed with the part of the program, which will provide for certain abatement actions, in late 1980. This first regulation will enable school officials to complete the necessary initial steps in the program in preparation for this abatement rule and will, in the interim, reduce certain risks that would otherwise occur.

As reviewed above, the economic impacts of the rule will be small. This regulation will impose costs upon all schools, but to varying degrees, as explained in the "Economic Effects" section above. In some instances, costs to individual schools may reach several hundred dollars. These costs are not unreasonable in view of the reduction in exposure to asbestos that will result from this rule. The identification of asbestos in schools, furthermore, is a prerequisite to making the ultimate abatement determinations and will, therefore, contribute to the reduction in risk that will result from abatement.

C. Analysis Under Section 9 of TSCA

Section 9(a) of TSCA requires EPA to review other Federal authorities to determine whether action under those authorities may prevent or sufficiently reduce unreasonable risks. EPA has reviewed other Federal authorities and finds that action under those authorities will not sufficiently reduce the risks addressed by this rule. Specifically, EPA has considered the regulatory authority of the Consumer Product Safety Commission (CPSC), the Occupational Safety and Health Administration (OSHA), and the Department of Education (ED).

Friable asbestos-containing materials in schools may be "consumer products" within the meaning of section 3 of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2051. Section 12 and 15 of the CPSA provide authority under which the Commission might require asbestos inspection, identification or marking requirements.[8] Neither section is sufficient to prevent or reduce the risk of asbestos-containing materials in schools primarily because implementation of the section cannot be undertaken without identification of the specific manufacturers, distributors or retailers of the asbestos products for which regulation is sought. Section 12, 15 U.S.C. 2061, authorizes the Commission to file, in a United States District Court, an action against identified manufacturers, distributors, or retailers of an "imminently hazardous consumer product" for such relief as may be necessary to protect the public against the hazard.

Similarly, section 15 of the CPSA, 15 U.S.C. 2064, authorizes the Commission to order identified manufacturers, distributors or retailers of any product that presents a "substantial product hazard" to provide notice of the hazard to the general public or to persons to whom the manufacturer, distributor or retailer knows the product was delivered or sold.[9] Friable asbestos-containing materials were installed in over 10,000 schools between 1954 and 1973. It would be prohibitively difficult to determine which companies installed, sold, or purchased those asbestos materials. Often there are no installation records, and many companies who did install may no longer exist. Tracing back to the original product manufacturer through a chain of sales presents similar, insurmountable difficulties. TSCA, on the other hand, contains no such identification requirement and authorizes EPA to impose regulatory requirements on the local educational agencies and avoid the serious practical difficulties of identifying the sellers and installers of the asbestos.

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[8] Section 8 of the CPSA, 15 U.S.C. 2057, authorizes the Commission to issue rules to ban hazardous consumer products. Rules under Section 8, however, may only apply to consumer products manufactured after the effective date of the rule. In this rule EPA is concerned with existing asbestos products.

[9] In analyzing sections 12 and 15 of the CPSA, the EPA assumes that asbestos in schools meets the tests of either "imminently hazardous consumer product" or substantial product hazard."

In addition, using section 15 of the CPSA would present signficant procedural difficulties that would lead to delay in regulation. Under section 15 the Commission would be required to provide an opportunity for an adjudicatory hearing, which would include extensive cross-examination of witnesses. TSCA only requires informal rulemaking procedures, after which EPA issues a rule of general applicability. Previous experience with adjudicatory hearings has shown that they lead to considerable delay that often impedes the regulatory process.[10] Thus, practical and procedural difficulties in acting under the CPSA in this case, could delay implementing a procedure for identifying asbestos in schools. This delay would needlessly increase the risk from asbestos by extending the period during which school children and employees will be exposed. Action under CPSA authorities, therefore, could not sufficiently reduce the risks subject to the rule.

Under the Occupational Safety and Health Act (OSHA), the Occupational Safety and Health Administration is authorized to promulgate workplace safety and health standards which employers must follow. Section 3 of OSHA, 29 U.S.C. 652, defines employer as "a person engaged in a business affecting commerce who has employees, but does not include the United States or any State or political subdivision of a State." Thus, while action under OSHA could address workplace exposures to employees of some private schools that could be considered businesses, it could not address exposures to public employees occurring in public or parochial schools, or exposures to school children.

EPA estimates that more than 80% of the nation's primary and secondary schools lie beyond the jurisdiction of OSHA and would require separate action under TSCA to address asbestos risks. Regulation under TSCA will sufficiently reduce risks to asbestos exposures in both public and private schools, without dividing the regulatory responsibilities between two federal agencies. Regulation under TSCA thus avoids the potential for inconsistent and inefficient efforts between Federal agencies.

The Department of Education has authority to affect asbestos in schools under the Asbestos School Hazards Detection and Control Act of 1980, which was signed into law on June 14, 1980. This law was intended by Congress to augment EPA's asbestos program.

The Act establishes as its primary purpose a Federal grant and loan program to local educational agencies for detecting and controlling asbestos in schools. Section 5 of the Act directs the Secretary of Education to establish a direct grant program to local education agencies for 50% of the costs of conducting an asbestos detection program. Similarly, section 6 directs the Secretary to administer a long-term loan program for 50% of the costs of containing or removing asbestos-containing materials in schools which pose an imminent hazard to school children or employees. Loans and grants are only available for those programs which meet the criteria and standards established by the Secretary under section 7 of the Act.

After consulting with the Department of Education, EPA has concluded that action under the Asbestos School Hazard Detection and Control Act of 1980 will not sufficiently reduce risks of asbestos in schools and that regulation under section 6 of TSCA in conjunction with the Asbestos School Hazards Detection and Control Act constitutes the best method to reduce risks posed by asbestos in schools.

The Asbestos School Hazard Detection and Control Act of 1980 contains no authority to require schools to identify friable asbestos-containing materials or to provide notice to employees of methods to avoid or reduce potential exposures. Such a requirement is necessary to reduce adequately the risks of asbestos in schools. Some schools remain unconvinced of the health hazards of asbestos. Others, while more informed about the general health hazards of asbestos, have claimed that they cannot incur any additional expenses for asbestos-related activities, and cannot be expected voluntarily to shoulder the additional financial burdens not covered by the Federal grant program. Finally, those schools which have conducted inadequate asbestos programs may not wish to undertake another program regardless of the availability of Federal assistance.

IV. Discussion of the Rule

This part reviews the specific requirements of the regulation and discusses the major rationales which lie behind these requirements. Part V, below, addresses the public comments received on the ANPRM which pertain to the issues raised by this regulation.

A. Definitions

The definition section of the regulation, section 763.2, adopts the definitions contained in section 3 of TSCA, 15 U.S.C. 2602, and provides certain additional definitions for the purposes of the regulation.

The definition of "asbestos-containing material" includes any material which is applied to ceilings, walls, pipes, and structural parts in a building and which contains more than one percent asbestos. The enumeration of specific places where friable asbestos is most commonly located is not intended to be all-inclusive. All friable materials used in any part of the building construction are covered by this regulation. The definition is consistent with the term as it is used in the National Emission Standard for Asbestos, 40 CFR 61.21. The one percent lower limit is not a finding by EPA that materials containing less than one percent asbestos do not present a risk of exposure to asbestos, but is an attempt to exclude from the regulation construction materials which inadvertently contain trace contaminants of asbestos fiber.

"Friable materials" are defined as any materials that when dry can be crumbled, pulverized, or reduced to powder by hand pressure. Friable materials may contain asbestos fibers or they may contain other fibers, such as cellulose and glass fiber. The friability of a particular material depends upon the components of the material, the amount of binder added, and the method of application. Friable materials are usually sprayed on, whereas troweled-on materials may be cementitious and harder.

The potential for fiber release, contamination of the building, and exposure depends upon the condition and the type of material. Where the asbestos fibers are encased in firm, hard materials, the propensity for fiber release is reduced. Conversely, soft and loosely-bound materials (i.e., friable materials) can release fibers more easily. These soft asbestos-containing materials present the exposure problems addressed by this regulation.

The definition of "school buildings" is broad and is intended to include all school facilities which school children and employees may occupy. All areas, including student, administrative, maintenance, and custodial areas within the school buildings, are included in the definition.

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[10] See, e.g. Pedersen, "Formal Records and Informal Rulemaking," 85 Yale L.J. 38, 44–55 (1975).

The requirements of this regulation are directed at local educational agencies, which are defined to include all public and private elementary and secondary schools as defined by State law. Also included in the definition are vocational training schools, private training institutions (for grade 12 and under) and special educational schools for the handicapped.

Three different classes of schools fall within this definition. First, all public school districts (which generally include a number of schools ranging from kindergarten through twelfth grade) are defined as "local educational agencies." The governing official of school districts shall be responsible for ensuring that their individual schools are inspected, that friable materials are sampled and analyzed, and that the other components of the regulation are complied with.

Second in the defintion of local educational agencies is the class of all public schools which are not in school districts. Generally these schools are independent administrative entities. The governing officials of each of these schools shall be responsible for compliance.

The third and final category of schools included in the definition of local educational agencies are non-public, not-for-profit schools. Some schools in this category are autonomous private elementary and secondary schools. The governing officials of these schools shall bear responsibility for compliance. Other schools in this category, for example parochial schools, may either be part of a school network (e.g. a diocese) or may be autonomous. If autonomous, the school is the local educational agency; if part of a network such as a diocese, the diocese is the local educational agency. For a discussion of issues relating to compliance by the governing officials of these entities defined as "local educational agencies," see section V., below, entitled "Miscellaneous Issues."

Excluded from the definition are colleges, universities, and other institutions of higher learning. EPA has determined that the large population in secondary and elementary schools and the special situation in such schools (highly active population and many years attendance at one school building) warrant immediate attention. EPA has announced its intention to consider regulation of asbestos in non-school buildings. Colleges and universities will be included in this consideration.

Finally, "sampling area" is defined as any area within a school building which contains friable materials that are homogenous in texture and appearance. The purpose of grouping all friable materials within a building into sampling areas is to ensure that each different type of friable material is sampled and analyzed for asbestos, and that the sampling and analytic burdens of this regulation are minimized.

Where friable materials are uniform in appearance and texture the regulation requires that they be treated as the same type of material for the purposes of determining their asbestos content. Materials that are uniform in appearance and texture will most likely contain the same constituent ingredients. Grouping such materials into "sampling areas" permits one set of sampling and analyses to apply to the entire sampling area, and reduces the need for more frequent samples. Proceeding on a room by room basis for sampling would unnecessarily increase costs by ignoring that the friable materials in different rooms may very likely be the same. Thus the regulation requires that friable materials that are similar in texture and appearance be defined as a "sampling area," and specifies that 3 samples be taken from each sampling area.

For example, the friable material in a large gymnasium that was applied at one time and is of uniform appearance is probably homogenous in make-up. The gymnasium should therefore be considered one sampling area for the purposes of sampling. An adjoining locker room facility and connecting hallways constructed at the same time and all containing friable material of similar appearance would be part of the same sampling area. Where the texture and appearance are similar, but where, for instance, the material in the hallway has been repainted and is a different color, the materials should still be regarded as similar in texture and appearance and included in the sampling area. If construction or renovation dates differ, or if the materials differ in appearance, then the friable material should be divided into two sampling areas for sampling purposes.

EPA cannot attempt to describe in detail every possible criterion which might lead an inspector to classify sampling areas. EPA notes that texture, appearance, and date of application are highly relevant, but recognizes that other criteria may help in defining a sampling area. EPA thus urges inspectors to use their best judgment in classifying sampling areas, and to keep in mind that the purpose is to group materials which, with respect to their constituent ingredients, are likely to be the same material. Proper identification of sampling areas is extremely important since incorrect identification of sampling areas may yield inaccurate identification of friable asbestos-containing materials.

B. Inspection

Section 763.3, entitled "Inspection for Friable Material," requires local education agencies to inspect visually all school buildings for friable materials. All areas including student, administrative, maintenance and custodial areas must be inspected. Friable material is commonly found on steel support beams and columns, and on ceilings and walls of cafeterias, machine rooms, and storage rooms. It may also be located on overhead surfaces of indoor pools and gymnasiums.

Inspections should also be made above suspended ceilings. Asbestos-containing material may have been applied to the original ceiling, steel beams, and other surfaces above the suspended ceiling. If the overhead space between the suspended ceiling and the original ceiling is part of the building's air circulation system, it is very important to inspect the area. Fibers which have been released from deteriorating or damaged material could travel throughout the ventilation system to other areas of the building.

Inspectors should adhere to the following precautions when inspecting above suspended ceilings. First, all persons who are not required for the inspection should leave the area. Unnecessary exposures should always be avoided. And second, if the overhead space is part of the air circulation system, the system should be shut off during the inspection.

C. Sampling

The proper sampling and analysis of friable materials are extremely important since the decision to take corrective action under the second part of the program will depend in large part on the results of this sampling and analysis.

Section 763.4 requires school officials to sample friable materials found within the building and 763.5 requires them to analyze the samples to determine if they contain asbestos. Officials may, in addition, consult building records to assist them in identifying asbestos, but numerous experiences have proven building records to be unreliable. In addition, many comments submitted in response to the ANPRN urged EPA to exclude the use of building records as a means of identifying asbestos. Therefore the regulation requires that a determination that the friable material does or does not contain asbestos be based on an analysis of the samples by Polarized Light Microscopy (PLM) with X-ray Diffraction (XRD) as a backup method.

After the inspector has located the friable materials in the school building and has organized all friable materials into sampling areas, § 763.4 requires school officials to take at least three samples from each sampling area.

EPA has determined that a minimum of three samples per sampling area is a reasonable requirement for schools that discover the presence of friable materials.

Taking a number of samples from each sampling area is important for two reasons. The asbestos content of friable materials within a sampling area may vary because of differences in mixing at the time of application. Also, analysis of individual samples, even with the best techniques available, is subject to error. Increasing the number of samples and ensuring that samples are taken without bias will increase the likelihood that the samples represent the actual bulk material. Increasing the number of samples thus increases the reliabililty of the identification.

EPA has determined that 3 samples in each sampling area will ensure reasonable accuracy of results without imposing an unnecessary burden on the persons subject to the rule. If the actual asbestos content of the friable material in the sampling area is 5%, analyzing 3 samples according to the requirements of the regulation will result in a 90% probability that the asbestos will be correctly identified: the probability increases as the percent asbestos content increases. Most of the friable asbestos-containing materials covered by this rule have more than 5% asbestos, and will therefore be characterized adequately by 3 samples.

In order to significantly increase the accuracy of results, such a large number of samples would be required as to make this rule impractical. Requiring, for example, that 7 instead of 3 samples be taken in every sampling area would more than double the cost of analyses while improving the analytical results in only a very limited number of sampling areas. If the actual asbestos content of a material is between 1 and 5%, as many as 50 samples might be required to achieve 90% probability that the sampling area is properly classified. This number of samples would clearly be unnecessary in the vast majority of cases.

If taking 3 samples, the inspector should penetrate the depth of the material with a sample container, such as a plastic 35 millimeter film canister or a small, wide mouthed jar. The container should be dry and clean. Twisting the open end of the container into the material should cause a core of the material to fall into the container. Samples may also be obtained by scraping small amounts of the material into the container by using a knife. It is important that the sample penetrate through all the layers to the substrate.

The person taking samples should then close the container tightly, wipe its exterior with a damp cloth, and tape the container closed. Each container should bear a label with an identification number which will be recorded in the asbestos file.

Precautions should be taken while sampling to reduce fiber release. EPA therefore strongly recommends that the person sampling the material minimize all unnecessary disturbances to the materials, lightly spray the sampling area with water to retard fiber release, and ensure that only those persons necessary for the actual sampling are present.

D. Analyses

After school officials sample friable materials, section 763.5 requires them to have the samples analyzed by Polarized Light Microscopy (PLM), by X-ray Diffraction (XRD) where necessary, to determine if they contain asbestos.

EPA has prepared a document entitled "Methods for the Determination of Asbestiform Minerals in Bulk Samples by Polarized Light Microscopy and by X-ray Powder Diffraction". This document contains interim analytic protocols for PLM and XRD which will govern this analysis and is incorporated in the rule by reference.

EPA has distributed the document to laboratories which are, to EPA's knowledge, involved in the analysis of bulk samples for asbestos. Copies can be obtained by calling 800-424-9065 (in Washington, D.C., call 554-1404). These protocols represent the best procedures to determine the presence of asbestos, considering the reliablility of the results, the simplicity of the procedures, and costs.

PLM is widely used in geological and chemical services for identifying crystalline substances by their optical and crystallographic properties. The techniques are well established and the analysis is relatively low in cost, avaraging $43 per sample. Bulk sample analysis using PLM involves the ability to search a sample and identify the suspect fibers. An experienced microscopist can locate and identify even small amounts of asbestos in bulk samples.

XRD involves X-raying a small sample of the suspect friable material to identify fibers by the unique patterns produced by the crystalline materials present. The technique usually yields information with a high degree of diagnostic reliability, but also entails higher costs.

The XRD protocol is intended as a supportive technique, ancillary to PLM, and should be used when additional information is necessary to characterize a sample, where, for instance, multiple PLM analyses provide inconclusive results. XRD cannot differentiate between fibrous and non-fibrous forms of serpentine and amphibole minerals, cannot positively identify a mineral as asbestiform, and should not be used as an independent method of analyzing samples for asbestos.

Electron microscopy (EM) is a third method for identifying asbestos fibers in bulk materials. Examination of the structure of individual fibers or fibers by EM, especially if used in conjunction with PLM or XRD, can yield specific and accurate fiber identification. However, EM analysis is a high cost technique and the availability of qualified laboratories to perform EM is limited. Also, because a very small amount of material is actually examined in EM analysis, the analysis requires a greater number of analyses compared to the other techniques to ensure that the analytic results accurately indicate the contents of the total sample. Accordingly, EPA does not recommend EM as a method for analysis.

E. Recordkeeping

Section 763.7 requires school officials to maintain records. The recordkeeping requirement serves two functions: providing EPA with some means to verify compliance, and providing notice and warnings of the presence of friable asbestos-containing materials.

In order to assist EPA in verfying compliance with the regulation, school officials must retain records of the inspections, sampling, and analysis performed in accordance with this regulation.

The retention of records of the location of asbestos and of methods to reduce exposures and notification to employees of this information constitutes the best method of providing warnings and instructions to accompany the friable asbestos-containing materials in schools. If school buildings contain friable materials, the school official must also retain a floor plan of the building or a written description which will clearly indicate the location of all friable asbestos-containing materials. The records shall also include information on the methods which school employees should follow to avoid or reduce exposures.

The recordkeeping requirements are closely integrated with the recordkeeping and reporting requirements under the Asbestos School Hazard Detection and Control Act. Under section 4 of the Act, States are required to retain certain records of the asbestos activities of local educational agencies within their jurisdiction and report certain information to ED. EPA has tailored these recordkeeping requirements so that local educational agencies will record information that States will have to compile. The information will therefore be readily available.

F. Warnings and Notification

Pursuant to § 763.6, school officials must notify all employees who work in buildings which contain friable asbestos-containing meterials of the location of those materials. School officials must also provide them with information on methods to avoid or reduce exposures.

For this purpose EPA has compiled a "fact sheet" which school officials shall provide their employees. If the school building contains friable asbestos-containing material, school officials must retain in the files a verbatim copy of this guidance. School officials shall also post a "Notice to School Employees" in the faculty room and custodial office of each school. This notice will provide summary information to employees on the asbestos program and its results. EPA is making available on request through a toll free number (800-424-9065) a package of information on methods to reduce exposures. All interested persons and school officials are encouraged to solicit this information.

Finally, school officials must notify the parent-teacher association of each school of the results of inspections and sampling and analyses.

G. Enforcement

EPA considers compliance with this regulation an important first step in protecting school children and school employees from potentially harmful exposures to asbestos. Because of limited resources, EPA will conduct periodic spot checks on school districts and school to ensure compliance. EPA will concentrate its enforcement efforts on school districts for which information is not available in reports under the Asbestos School Hazard Detection and Control Act and on school which present the highest exposure potentials to children and employees, as determined by the amount of friable materials identified and the number of building occupants.

Section 15 of TSCA, 15 U.S.C. 2614, provides that the failure to comply with the requirements of a rule promulgated under section 6, of the failure to maintain records as required by rule, is unlawful. Section 16 TSCA provides that any person who violates section 15 shall be liable for a civil penalty up to $25,000, and in the case of knowing or willful violation, shall be subject in addition to fines up to $25,000 per day or imprisonment.

EPA intends to pursue a reasonable approach to enforcing this rule and will exercise discretion in bringing enforcement actions against schools and school districts. Where, however, EPA learns of willful violations which threaten the health of school children and school employees, it will vigorously pursue whatever enforcement actions will best remedy the problem.

H. Compliance

EPA has directed the requirements of this regulation to local educational agencies, as defined in section 763.3, and will hold the governing official of local educational agencies responsible for complying with this regulation. EPA recognizes that in most cases the governing officials will designate other school officials and school employees to conduct the inspections, sampling, and the other required actions. In many circumstances, State or county personnel will carry out these requirements in the context of State or county programs. EPA encourages local educational agencies to pursue any arrangements which provide the most efficient means of complying with this regulation, including participating in a county or State program which satisfies the requirements of the regulation. However, for the purposes of enforcement, EPA directs the requirements to the governing officials of local educational agencies and shall hold them responsible for compliance.

I. Exemptions

Section 763.10 of the rule exempts local educational agencies from the inspections, sampling and analysis requirements of the rule for any school in which these requirements have already been met. The purpose of these exemptions is to prevent duplication of activities conducted as part of EPA's TAP or other reasonable efforts to detect asbestos.

The rule does not require that a school be inspected if the local educational agency has conducted a previous visual inspection of all areas of the building. Similarly, in schools where one sample has been taken for each 5,000 square feet of each type of friable material found (i.e. samples taken from each of what the regulation defines as a "sampling area"), then the sampling requirement does not apply. Finally, if samples of friable materials have been analyzed by a method (PLM, XRD, or EM) capable of detecting all forms of asbestos in bulk materials, the local educational agency need not reanalyze samples. The local educational agency must keep records and notify employees, as required in §§ 763.6, and 763.7, for all schools.

The only substantial differences between the guidelines EPA issued under the TAP and the inspection, sampling and analysis requirements of the rule concern the number of samples taken and the selection of sampling locations. Under the TAP, EPA recommended that one "representative" sample be taken per 5,000 square feet of material. The rule requires 3 samples regardless of size of the area of friable materials and specifies that random samples be collected.

The difference in sample number would affect small sampling areas, for example, an area of less than 10,000 square feet in which only 2 samples were taken using the TAP guidance. For larger areas, an inspector following EPA guidance would have taken at least 3 samples, a number sufficient to characterize most friable materials. Although 1 or 2 samples do not provide a high degree of certainty that a material with 5% asbestos will be properly identified, analysis by PLM of 1 sample of high asbestos content materials can usually detect the asbestos. EPA concludes that this change in sample number will not affect the results of the great majority of sampling programs properly conducted under the TAP.

Finally, EPA does not require reanalysis of friable materials which were analyzed using Electron Microscopy. The EM method can detect asbestos in bulk materials and a number of local educational agencies have used the method to analyze their samples.

EPA, when it undertook the TAP, assured schools that they would not have to duplicate programs under a later regulation in order to encourage them to participate in the program and reduce asbestos exposures well in advance of regulation. EPA believes that exempting schools who participated in the TAP from the duplicative components of the later regulation will not place school occupants at unnecessary risk because full compliance with the guidance provided through the TAP will have identified friable asbestos-containing material.

EPA also realizes it would be unfair to require schools who participated in the TAP to repeat sampling and analysis when those schools relied on EPA assurance that they would not have to duplicate their efforts. EPA will not require schools who can prove full compliance with the TAP to undertake additional sampling. However, school inspections which relied on a review of the building records, air sampling, or any other techniques other than bulk sampling which are not in accordance with the TAP guidance do not constitute compliance. Schools which were inadequately inspected must be inspected again in accordance with this regulation.

EPA, nevertheless, will require that all schools, regardless of their participation in the TAP, comply with the recordkeeping and employee notification requirements of the regulation. These two requirements provide the means for reducing exposures during the first stage of the school regulatory program and are important additions to the TAP.

V. Miscellaneous Issues

EPA has received fifty comments in response to its Advance Notice of Proposed Rulemaking for Asbestos-Containing Materials in Schools (ANPRM) of September 20, 1979 from Federal and State agencies responsible for education, local governments, industry representatives, associations of school professionals, and private organizations. This part reviews the public comments and discusses the major issues raised by this rulemaking.

A. EPA's Technical Assistance Program (TAP)

Eight parties discussed EPA's TAP. All eight comments supported the program. Two comments suggested that regulation under section 6 is not necessary because school districts, either independently or in conjunction with a State program, have already addressed their potential asbestos problems. Another comment noted that since response to the program was limited, EPA should issue a regulation to require schools to take corrective actions. Two maintained, however, that schools had neither the time nor the money to complete the program, and three more encouraged EPA to reemphasize the TAP and follow up on its earlier efforts.

While a precise accounting of the number of schools which have been inspected for friable asbestos-containing materials is not available, projections made from information provided by well documented State and municipal asbestos programs and from results of the TAP indicate that approximately 9% of schools contain friable asbestos-containing materials. This number totals approximately 10,300 public and private schools. Based on these reports, EPA estimates that up to 40% of these schools have not been properly inspected for friable asbestos-containing materials.

EPA disagrees with comments which suggest that given more time, additional school districts will participate in the TAP. Because of the relative ease of complying with the inspection and sampling procedures in the Guidance Document and the simplicity of the reporting questionnaire, most schools which intend to participate in the TAP probably have done so. EPA believes that providing additional time for compliance with the TAP will not result in a significant increase in participation.

B. Air Sampling

Many comments address the reliability of air sampling as a method to determine if asbestos is present in a building area and, if so, if it presents an exposure problem. EPA has determined that air sampling is an inappropriate test to determine if an asbestos exposure problem exists in school buildings.

Air sampling is a method of counting fibers suspended in the air. It involves pumping a known volume of air through a filter and counting the number of fibers collected on the filter. Air sampling is an unreliable method to assess potential exposures because it measures only the level of fiber concentration at the time the sample was taken, and does not locate the asbestos-containing materials.

Locating the friable asbestos-containing materials is necessary to assess the probability and severity of peak exposures. The level of activity within the vicinity of the material, the accessibility of the material, the condition of the material, and its asbestos content are important factors in evaluating the probability and severity of peak exposures. Locating the materials is a prerequisite to evaluating these factors. Furthermore, once the location of the friable asbestos-containing materials is known, responsible officials will be able to reduce the probability of peak exposures by controlling the activities in areas which contain friable asbestos-containing materials.

Finally, abatement actions frequently involve the encapsulation or removal of the friable asbestos-containing material. Locating the material is thus a necessary prerequisite to final abatement.

C. Inspection and Sampling

Section 763.3 requires local educational agencies to inspect all school buildings to identify friable materials and sections 763.4 and 763.5 require local school officials to determine by sampling and analysis whether such materials contain asbestos. Twenty-two of the parties commenting on the ANPRM discussed these requirements. Eleven of those commenting disagreed that school officials should be made responsible for inspection and sampling. Although one pointed out that school officials are "in the best position to take samples," another six argued that school officials would not do the job effectively or stated that they should not, as a matter of policy, be required to sample. These parties reasoned that school officials might have budgetary or legal interests which would discourage them from identifying hazards, and that schools simply do not have the personnel to inspect and sample.

Several of the fifty comments suggested that EPA should make other parties responsible for these requirements. Two suggested that disinterested government officials might do the job most effectively and three asked that requirements not be imposed on manufacturers and processors of asbestos and asbestos-containing materials. Four argued that, in general, EPA should avoid creating conflicts of interests for school officials in its rulemaking.

EPA has determined, however, that officials of local educational agencies should be responsible for inspecting and sampling friable materials in schools. these officials are in positions where they can carry out such responsibilities. They are already physically located in school districts, are responsible for maintaining the school buildings, and are most familiar with them. They could, therefore, most easily supervise the location of friable materials in the school buildings at the least cost. The complexities, expense, and delays which would result from any program to provide direct Federal inspection services could be very high. Furthermore, EPA does not believe it is creating a major conflict of interest by making school officials responsible since these people are already responsible for the welfare of children and employees.

Six commentors suggested that EPA train inspectors to inspect schools and sample friable materials since without such training, school personnel would lack the skills to inspect and sample.

EPA recognizes the need for instruction, and has developed a guidance package designed for use by laymen which contains easily understood descriptions of the step by step procedures. EPA has mailed copies of this guidance package to all school districts within the United States, and maintains two toll-free numbers to provide further information. The first number (1-800-424-9065) is to provide general information on asbestos and copies of the guidance package, while the second (1-800-334-8571, extension 6892) provides technical advice on the anlytic protocols and information concerning available laboratory facilities. EPA has determined that these sources of information should be sufficient to enable school officials to fulfill the requirements of the regulation.

D. Sampling Procedures

Several comments concerned sampling procedures. Two comments requested EPA to develop methods to ensure the reliability and reproducibility of sampling, and two requested that EPA issue a specific sampling procedure.

EPA is making available a document titled "Asbestos Analytical Programs" which suggests a procedure to select sample sites randomly in order to help assure that sampling will yield accurate results. This document also contains information on selection and monitoring of laboratories and resolution of analytical problems.

E. Analysis

Eighteen comments concerned the analysis of bulk samples of friable materials. These comments all related to the unreliability of laboratory analysis for asbestos because of the lack of specific testing protocols (eight comments), the inadequacies of existing methods of analysis (eight comments), the lack of EPA monitoring of laboratory performance, or the lack of an EPA quality assurance program.

EPA has addressed these analytical problems by preparing and publishing two interim testing protocols for polarized light microscopy (PLM) and X-ray diffraction (XRD), and by continuing to operate a program to assist and monitor a list of analytical laboratories. In addition, EPA operates a toll-free assistance number (800-334-8571, extension 6892) through which school districts can receive up-to-date information on analysis, including a list of laboratories which participate in the EPA program.

The protocols for PLM and XRD were developed as the result of a workshop on analytical methods for asbestos. Workshop participants, including many of the nation's leading petrographic microscopists, have also reviewed the subsequent draft protocols. The interim method is a technique for reliable, quantification of the relative areas occupied by asbestos fiber and non-asbestos matrix within the microscope's field of view. Its application is less variable between laboratories than subjective techniques of visual estimation.

EPA has distributed these protocols to analytical laboratories for their comment and for use in analyzing a series of well-characterized samples which EPA has also prepared. As laboratories become more proficient in the use of the protocols, EPA will determine the accuracy with which they can estimate the percentage of asbestos in samples. The results of these checks can be obtained by calling 800 334-8571, ext. 6892.

It should be noted that a protocol for analysis of friable materials using the electron microscope has existed for a number of years. This method, especially if assisted by XRD, can yield specific and accurate fiber identification. However, extrapolation of precise electron microscope data to significant bulk sample information is both inefficient and expensive. EPA therefore will accept the results of proper EM analysis, the techniques for which are well established, but, because of cost and the lack of available EM facilities, EPA recommends the use of PLM, supplemented by XRD.

F. Warnings and Notification

Seven parties commented on possible methods to notify people in school buildings of potential exposures to asbestos. All seven claimed that marking the friable asbestos-containing materials with warnings such as "HAZARDOUS" would unduly excite people, and urged EPA to avoid using alarming notices. Two comments suggested that EPA require schools to maintain a file on the asbestos material.

EPA has determined that the recordkeeping and notification requirements in the regulation constitute the best method to protect against the risks of exposures by providing clear and adequate warnings to custodians and other school employees.

G. Public Comment Period

EPA has decided to provide a thirty day comment period for this proposed rule in order to proceed with the rulemaking as expeditiously as possible. EPA believes this decision will not deprive the public of sufficient opportunity to comment, and emphasizes that, in fact, the public has had ample prior actual notice of the requirements of the regulation.

EPA has distributed the guidance manuals for the TAP to school districts and States nationwide. These guidance manuals contain procedures for identifying friable asbestos-containing materials which are for all practical purposes identical to the requirements in the regulation.

In conducting the TAP and in preparing this regulation, EPA has engaged in a broad based effort to gather information and exchange views on the issues relating to the TAP and the regulation. Experts in the field of asbestos abatement, the many States which have developed their own expertise in alleviating asbestos problems in schools, and many schools and school districts have all commented and have contributed their expertise to the rulemaking.

Moreover, the regulation itself is relatively simple and free of underlying complex technical issues which would increase the need for extended prior examination and critique. The few outstanding issues which do exist have received extensive review by many of the schools which have sampled and analyzed for asbestos.

Finally, the ANPRM published in the Federal Register of September 20, 1979 issue (44 FR 54676) provided detailed notice of the terms and substance of the proposed rule and description of the subjects and issues involved in it.

VI. Public Hearings

EPA intends to commence an informal public hearing on this proposal at 9:00 a.m. E.S.T. on November 17, 1980. EPA will conduct this hearing pursuant to section 6(c) (2) and (3), and 40 CFR Part 750 entitled Procedures for Rulemaking under section 6 of the Toxic Substances Control Act. Persons who may wish to participate in this hearing should consult these procedures.

Reply comments may be submitted up to 2 weeks after the close of all informal hearings and shall be restricted to comments on: (1) other comments; (2) material in the hearing record; and (3) material which was not and could not reasonably have been available to the commenting party a sufficient time before main comments were due.

VII. Rulemaking Record

EPA has established a Public Record for this rulemaking (docket number OPTS 61004) which along with a complete index is available for inspection in the OPTS reading room from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays, at 401 M Street SW., Washington, D.C. This record contains the basic information considered by EPA in this rulemaking, and includes all findings and statements required by sections 6 (a), (c), and (d), all written submissions of interested persons, and any other information which the Administrator considers relevant to this rule. The rulemaking record incorporates the record on petitions (OTS Docket No. 060004), sections A through E below:

A. Petitions

1. State of New Jersey, Office of the Governor 09/18/78. ## Petition, with exhibits:

a. Stanton, Mearl F. et al. "Biological Effects of Asbestos; Some Aetiologic Considerations of Fiber Carcinogenesis" *Laboratory of Pathology, National Cancer Institute.* (Oct. 2, 1972).

b. Stanton, Mearl F. et al. "Carcinogenicity of Fibrous Glass: Pleural Response in the Rat in Relation to Fiber Dimension." *Journal of the National Cancer Institute,* 58(3): 587–603. (March 1977).

c. McDonald, J. Corbett et al. "Mortality in the Chrysotile Asbestos Mines and Mills of Quebec." *Arch Environ Health,* 22: 677–685. (June 1971).

d. Whitwell, F. et al. "Relationship Between Occupations and Asbestos-Fiber Content of the Lungs in Patients with Pleural Mesothelioma, Lung Cancer, and Other Diseases." *Thorax,* 32: 377–386. (1977).

e. Hammond, E. C. et al. "Mortality Experience of Residents in the Neighborhood of an Asbestos Plant." *Science Week.* (June 21–30, 1978).

2. Environmental Defense Fund "Petition to the Environmental Protection Agency to Control Asbestos Emissions from Sprayed-On Materials Which Have Been Applied in Public School Buildings for Insulation, Fireproofing, Decorative or Other Purposes." (December 21, 1978).

a. Complaint. *Environmental Defense Fund, Inc.* v. *D. M. Costle et al.* and *United States Environmental Protection Agency.* U.S. District Court, District of Columbia (Civ. Action No. 79–1360).

b. Motion to dismiss.

c. Proposed order.

d. Memorandum of points and authorities in support of defendants' motion to dismiss.

e. Certificate of service—(07/17/79).

f. Reply to EDF's opposition to EPA's motion to dismiss.

g. Response to plaintiff's motion for extension of time.

h. Stipulation of facts and voluntary dismissal.

B. Federal Register Notices Pertaining to Petitions

3. 44 FR 4009. USEPA. "Sprayed-Asbestos in Schools Petition Request for Comments." (Submitted by the Environmental Defense Fund). (January 19, 1979).

4. 44 FR 17790. USEPA "Asbestos-Containing Materials in School Buildings. School Asbestos Program." (March 23, 1979).

5. 44 FR 20290. USEPA "Toxic Substance Control Act: Sprayed Asbestos in Schools, Denial of Citizens Petition." [In reference to petition submitted by the Environmental Defense Fund.], with exhibits: (April 4, 1979).

(1) Levin, Dan. "Asbestos in Schools: Walls and Halls of Trouble." *The American School Board Journal.* 165 (11): 1529–33. (November 1978).

(2) USEPA, OAQPS. *Sprayed Asbestos-Containing Materials in Buildings: A Guidance Document.* (March 1978). EPA 450/2–78–014.

(3) USEPA, Office of Toxic Substances *Tentative Schedule for Regional Training. (March 20, 1979).*

(4) Letter from Lloyd F. Novick, M.D., Commissioner Vermont State Health Dept. to Steven D. Jellinek, Assistant Administrator, Office of Toxic Substances, USEPA, dated (February 26, 1979).

6. 44 FR 27257, May 9, 1979. USEPA "Asbestos in Buildings; Denial of Petition." [In reference to petition submitted by the Office of the Governor, State of New Jersey]

C. Public Comments on Petitions

1. EPA received 12 comments on petitions.

D. Other Federal Register Notices Pertaining to Petitions

1. 44 FR 17790, (March 23, 1979). USEPA "Asbestos-Containing Materials in School Buildings: Notice Announcing Program."

E. USEPA News Releases on Petitions and Program

1. Transcript of Proceedings: *Press Conference* announcing program to prevent exposure of children to hazardous asbestos-containing materials in schools by Douglas Costle, Administrator, Steven D. Jellinek, Assistant Administrator, Office of Pesticides and Toxic Substances, and John DeKany, Deputy Assistant Administrator, Office of Pesticides and Toxic Substances. (March 16, 1979).

2. Correspondence

(1) USEPA, AX, Letter from Douglas M. Costle to the Honorable Brendan T. Byrne, Governor of the State of New Jersey in response to letter of September 18, 1978 requesting EPA to regulate asbestos contaminated buildings throughout the United States. (February 2, 1979).

(2) USEPA, AX, Letter from Douglas M. Costle to Robert J. Rauch, Staff Attorney, Environmental Defense Fund in response to EDF's Petition to Regulate Asbestos in Public Schools. (March 21, 1979).

(3) USEPA, OPTS. Letter from Steven D. Jellinek, Assistant Administrator, OPTS, USEPA to the Honorable Brendan T. Byrne, Governor of New Jersey, describing the EPA's Voluntary State Program. (February 23, 1979).

In addition, the rulemaking record also contains, under OPTS Docket No. 61004, the following:

F. Federal Register Notices Pertaining to Rulemaking

1. 44 FR 40900, (July 13, 1979). USEPA. "Toxic Substance Control Act; Grant of Petitions to Initiate Rulemaking Proceedings to Regulate Sprayed-Asbestos in Schools."

2. FR 54676, (September 20, 1979). USEPA "Asbestos-Containing Materials in School Buildings; Advance Notice of Proposed Rulemaking".

G. Support Documents

1. USEPA, OPTS, OTE. *Technical Support Document for Regulatory Action (TSCA: Section 6(a) Against Friable Asbestos-Containing Materials in School Buildings.* (August 1980).

2. USEPA, OPTS, CAD. *Economic Analysis Support Document for Proposed Identification and Notification Rule on Asbestos-Containing Materials in Schools.* Arthur Young and Company, Washington, D.C. (September 1980).

H. Public Comments Before Proposal

1. Among public comments received prior to proposal were 59 comments on the ANPRM.

I. Communications

1. Intergovernmental memoranda, letters and other correspondence, including:

a. USEPA, OPTS, CAD. Memo from Larry Longanecker to the File. Subject: Telephone Conversation with D. Gardner, Council of Educational Facilities Planning International, Columbus, Ohio. (April 1, 1980).

b. USEPA, OPTS, SAD. Memo from R. Levy, DOB. To: H Teitelbaum, CREBr., Assessment Div., OPTS, USEPA. Subject: "Comparison of Building

Asbestos Levels Grouped by Surface Materials." (May 22, 1980).

c. Selikoff IJ. Memorandum from IJ Selikoff, ESL, Mount Sinai School of Medicine, City of New York, New York. To National Institute of Environmental Health Sciences, Research Triangle Park, N.C. "Subject: Asbestos Associated Disease in U.S. Shipyards." (1977).

d. USEPA, OPTS, CAD. Memo from Larry Longanecker to the File. Subject: Montgomery County Ohio Field Test of Sampling Guidance for Asbestos in Schools. (August 21, 1980).

2. Other letters.

J. Other Federal Register Notices

1. *38 FR 8820.* USEPA. "National Emission Standards for Hazardous Air Pollutants; Asbestos, Beryllium, and Mercury." (April 6, 1973).

2. *40 FR 48292.* USEPA. "National Emission Standards for Hazardous Air Pollutants; Amendments to Standards for Asbestos and Mercury. (October 14, 1975).

3. *41 FR 11504.* USDOL, OSHA. "Occupational Safety and Health Standards, Standard for Exposure to Asbestos." (March 19, 1976).

4. *43 FR 26372.* USEPA. "National Emission Standards for Hazardous Air Pollutants; Amendments to Asbestos Standards." (June 19, 1978).

5. *44 FR 39858.* USCPSC, USEPA, USDHEW, and USDA. "Scientific Bases for Identification of Potential Carcinogens and Estimation of Risks" Action: Request for Public Comment on Scientific Report. (July 6, 1979).

6. *44 FR 56626.* USEPA. "Asbestos: Ambient Water Quality Criteria." (October 1, 1979).

7. *44 FR 60038.* US Regulatory Council. "Statement on Regulation of Chemical Carcinogens; Policy and Request for Public Comments." (October 17, 1979).

8. *45 FR 5001.* USDOL. "Identification, Classification, and Regulation of Potential Occupational Carcinogens." (January 22, 1980).

K. USEPA News Releases

1. USEPA, Office of the Administrator *Problems of health Hazards of Asbestos in School Buildings.* (January 29, 1979).

L. Reports

1. Anderson HA, Lilis R, Daum SM, et. al. "Household-contract Asbestos Neoplastic Risk." *Ann NY Acad Sci.* 271 (1976): 311–323.

2. Anderson HA, Lilis R, Daum S, Selikoff IJ. "Asbestosis Among Household Contacts of Asbestos Factory Workers." *Ann NY Acad Sci.* 330 (1979): 387–399.

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9. Baselga-Monte M, Segarra, F. "Epidemiological Study of Asbestosis in the Barcelona Area: A Dose-Response Relationship." *Instituto Territorial del Servicio Social de Higiene y Seguridad del Trabozo.* Plaza Eusebio Guell Barcelo, Spain.

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Dated: September 11, 1980.

Douglas M. Costle,

Administrator.

Therefore, it is proposed to amend Chapter I of Title 40 of the Code of Federal Regulations by adding a new Part 763 consisting at this time of Subpart F to read as follows:

PART 763—ASBESTOS

* * * * *

Subpart F—Friable Asbestos-Containing Materials In Schools

Sec.

763.1 Scope and purpose.
763.2 Definitions.
763.3 Inspection for friable material.
763.4 Sampling friable materials.
763.5 Analyzing friable materials.
763.6 Warnings and notification.
763.7 Recordkeeping.
763.8 Optional recording form for schools.
763.9 Compliance.
763.10 Exemptions.

Authority: Sec. 6 of the Toxic Substances Control Act, Pub. L. 94–469, 90 Stat. 2020 (15 U.S.C. 2605)

Subpart F—Friable Asbestos-Containing Materials in Schools

§ 763.1 Scope and purpose.

This rule requires local educational agencies to identify friable asbestos-containing material in public and private schools by visually inspecting school buildings for friable materials, sampling such materials, and having samples analyzed by appropriate techniques referenced in the rule. In addition, the rule requires local educational agencies to post a notice of the results of inspections and analyses. The rule requires local educational agencies to provide school employees of any school with friable asbestos-containing material with warnings on the health effects of asbestos and instructions on methods to avoid or reduce exposure. The rule also includes recordkeeping requirements.

§ 763.2 Definitions.

For the purposes of this part:

(a) "Act" means the Toxic Substances Control Act, 15 U.S.C. 2601, et seq.

(b) "Asbestos" means:

(1) Chrysotile, amosite, or crocidolite; or

(2) In fibrous form, tremolite, anthophyllite, or actinolite.

(c) "Asbestos-containing material" means any material which contains more than 1 percent asbestos by weight.

(d) "Friable material" means any material applied onto ceilings, walls, structural members, piping, ductwork, or any other part of the building structure which, when dry, may be crumbled, pulverized, or reduced to powder by hand pressure.

(e) "Local educational agency" means:

(1) Any local educational agency as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965; and

(2) The governing authority of any nonprofit elementary or secondary school, where the term "nonprofit" means owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which insures, or may lawfully inure, to the benefit of any private shareholder or individual.

(f) "Sampling area" means any area, whether contiguous or not, within a school building which contains friable material that is homogeneous in texture and appearance.

(g) "School" means any public or private day or residential school that provides elementary or secondary education for grade 12 or under as determined under State law, or any school of any Agency of the United States.

(h) "School buildings" means:

(1) Structures used for the instruction of school children, including classrooms, laboratories, libraries, and research and administrative facilities.

(2) School eating facilities, and school kitchens.

(3) Gymnasiums or other facilities used for athletic or recreational activities, or for courses in physical education.

(4) Dormitories or other living areas of residential schools.

(5) Maintenance, storage, or utility facilities essential to the operation of the facilities described in subparagraphs 1 through 4 of this paragraph.

(i) "Use of asbestos" means the presence of asbestos-containing material in school buildings.

§ 763.3 Inspection for friable material.

Local educational agencies shall visually inspect each school building under their authority to locate all friable materials. This inspection shall include surfaces behind suspended ceilings or other non-permanent structures which may be intered during normal building maintenance or repairs. For further information on inspection procedures, officials should consult Chapter 4 "Asbestos-Containing Materials in School Buildings: A Guidance Document," Part 1, (EPA no. C00090) which is incorporated by reference. Copies of the document can be obtained by calling 800-424-9065 (in Washington, D.C. call 554-1404). The document is also available for inspection at the Office of the Federal Register Library, room 8301, 1100 L Street, N.W., Washington, D.C. 20408

§ 763.4 Sampling friable materials.

If friable materials are found in a school building, local educational agencies shall:

(a) Identify each distinct sampling area of friable materials within the school building.

(b) Take at least three samples from locations distributed throughout the sampling area. Sampling locations should not be selected for convenience (ease of reaching the sample) or because the sampler judges the location to be representative. Samples shall be taken using small sealable containers; samples shall penetrate the depth of the friable material to the substrate.

(c) Label each sample container with a sample identification number unique to the sampling location and building. Officials should consult "Asbestos-Containing Materials in School Buildings: A Guidance Document, " Part 1, Chapter 5, for further information on sampling procedures. The requirement that 3 samples be taken in each sampling area supersedes the recommendation made in the Guidance Document to take 1 sample per 5,000 square feet of friable material.

§ 763.5 Analyzing friable materials.

Local educational agencies shall have all samples of friable material analyzed for asbestos using Polarized Light Microscopy (PLM), supplemented where necessary by X-ray Diffraction, in accordance with "Interim Method for the Determination of Asbestiform Minerals in Bulk Insulation Samples" which is incorporated by reference. Persons interested in analyzing bulk samples for asbestos can obtain copies of the document by calling 800-424-9065 (in Washington, D.C. call 554-1404). The document is also available for inspection at the Office of the Federal Register library, Room 8301, 1100 L Street, N. W., Washington, D.C. 20408. A list of laboratories capable of conducting analyses of friable materials can be obtained by calling 800-334-8571, extension 6741. Officials should consult "Asbestos-Containing Materials in School Buildings: A Guidance Document," Part 1, Chapter 6, for further information on analysis of friable materials.

§ 763.6 Warning and notifications.

(a) Local educational agencies shall post in the primary administrative and custodial offices and in the faculty common rooms of each school under their authority a completed copy of the following Notice to School Employees. If no friable asbestos-containing material is present in the school, the notice shall remain posted for one year. The notice shall remain posted in any school which has friable asbestos-containing material.

BILLING CODE 6560-01-M

NOTICE TO SCHOOL EMPLOYEES

In accordance with EPA regulations, this school has been inspected for friable (easily crumbled) materials which contain asbestos. Friable asbestos-containing material may cause health problems.

Friable asbestos-containing material is

☐ present ☐ not present

in ______________________ [name of school].

A record of the inspection, a diagram of the location(s) of friable asbestos-containing materials, and a copy of relevant EPA regulations are available in building __________, room __________.

For further information, interested persons should call 800-424-9065 (554-1404 in Washington, D.C.)

Signed,

______________________________________ [name]

______________________________________ [title]

BILLING CODE 6560-01-C

(b) Local educational agencies shall provide to all persons employed in school buildings under their authority which contain friable asbestos-containing materials (1) written notice of the location, by room or building area, of all friable asbestos-containing materials in the school, and (2) the following information on interim procedures to reduce exposures, "A Guide for Reducing Asbestos Exposure."

BILLING CODE 6560-01-M

A Guide for Reducing Asbestos Exposure

Purpose

Your school building contains materials which contain asbestos and may release fibers into the air. Breathing asbestos fibers is dangerous. This fact sheet tells how to reduce exposure to asbestos fibers. Please read it carefully.

Protecting Yourself from Asbestos

Some of the friable building materials in your school contain asbestos. Friable asbestos-containing materials crumble easily and release fibers into the air. Breathing these fibers may cause cancer and other diseases. The more asbestos you breathe, the greater your chances are of getting disease.

Find out from your supervisor where these friable asbestos-containing materials are in your building. Do not touch or disturb them unless you have to. If you must handle an asbestos-containing material, first lightly spray it with water. Wet asbestos-containing materials will not release as many fibers.

Even if friable asbestos-containing materials are not disturbed they may release asbestos fibers, which will fall slowly to the floor. If you are cleaning in areas which contain these materials, do not use a broom: it will stir the fibers into the air. Do not use a vacuum cleaner unless it is equipped with a High Efficiency Particulate Absolute filter. The fibers are so small they can pass through an ordinary vacuum cleaner and out into the room.

When cleaning in areas which contain friable asbestos-containing materials, use dampened mops and dustcloths. Dampened mops and dustcloths will hold the fibers much better than dry mops and dustcloths, and will reduce the number of fibers put back into the air. It is best to use mops with disposable heads and to throw away the mop head after use. Otherwise fibers will be released as the mop dries. Use either lightly dampened mops or cloths or a vacuum with a High Efficiency Particulate Absolute filter to clean areas where wet mopping can't be used (such as carpetting or hardwood floors).

Clean tables and chairs in the area, with damp cloths. Do not dust them with brushes or with dry cloths, and do not vacuum them. After you use the cloths, put them in a plastic bag while they are still wet and dispose of them properly.

A List of Important Points to Remember

1. Do not handle or disturb friable asbestos-containing materials unless necessary.
2. If you must handle asbestos-containing materials, wet them first.
3. If you must disturb asbestos (for example, to repair a light), see your supervisor before starting work. Then:
    a. Place a plastic dropcloth below the work area.
    b. Spray asbestos-containing material with water before you disturb it.
    c. Make sure that only those persons who are necessary for the job are in the area.
    d. Put all the asbestos you remove into a heavy plastic bag. Seal the bag and discard it.
    e. After the job, clean all the ladders and tools you used with a wet cloth.
    f. Roll up the dropcloth carefully and put it in a plastic bag. Discard the bag.
    g. Clean the floor below the work area with a wet mop.
    h. Discard the mop head and the cloth used to clean the ladders while they are still wet.
4. If you must disturb or remove large sections of asbestos-containing material, see your supervisor before you begin. The National Institute for Occupational Safety and Health recommends that a respirator approved for toxic dusts be worn during such work.

BILLING CODE 6560-01-C

(c) Local educational agencies shall provide notice of the results of inspections of each school to the appropriate parent-teacher association of that school.

§ 763.7 Recordkeeping.

(a) Local educational agencies shall compile and maintain in the administrative office of each school under their authority a record which shall include:

(1) The name and address of the school.

(2) A list of all school buildings associated with the school, indicating whether each building has been inspected for friable materials in compliance with § 763.3, and which buildings contain friable materials.

(3) Copies of the Notice to School Employees, found in § 763.6(a).

(4) For each school building which contains friable materials:

(i) A blueprint, diagram, or written description of the building which identifies clearly the location(s) and approximate area(s) in square feet of each sampling area of such material(s), the locations at which samples were taken, and the identification number of each sample, and shows or describes clearly whether each sampling area of friable material contains asbestos, including an estimate of its percent asbestos content as determined by calculating the average of the percent asbestos contents of all samples taken in that area.

(ii) A copy of all laboratory reports and all correspondence with laboratories concerning the analyses of samples taken in accordance with § 763.4.

(5) If the school contains friable asbestos-containing materials, copies of the "Guide for Reducing Asbestos Exposure" contained in § 763.6(b), and one copy of "Asbestos-Containing Materials in School Buildings: A Guidance Document," Parts 1 and 2 (EPA No. C00090), which can be obtained by calling 800-424-9065.

(6) A statement signed by the person responsible for compliance with the rule that the requirements of the rule have been satisfied. The statement shall include the date and the person's name and title.

(b) Each local educational agency shall retain in the administrative office of the agency:

(1) A list of all schools under their authority, indicating whether schools were inspected in accordance with § 763.3, and which schools contain friable materials.

(2) A record of the friable materials in schools which were sampled and analyzed in accordance with § 763.4 and 763.5, indicating which materials contain asbestos.

(3) For each school which contains friable asbestos-containing materials, the total area of such materials in square feet, and the total number of school employees who regularly work in the school.

(c) *Form.* Each local educational agency shall complete and retain in the administrative office of the local educational agency the following form, "Inspections for Friable Asbestos-Containing Materials":

BILLING CODE 6560-01-M

Inspections for Friable Asbestos-Containing Materials

1. Please provide the following information about the local educational agency:
Name______________________________
City______________ County______________
State______________ Zip Code______________

Fill in the following information about the schools under the authority of this local educational agency:

2. The number of schools which have been inspected for friable materials in accordance with section 763.3 of volume 40 of the Code of Federal Regulations.

☐

3. The number of schools where friable materials are present.

☐

If the answer to question 3 is none, disregard questions 4-7 and go on to the certification. Otherwise, fill in the following information about the schools enumerated in question 3:

4. The number of schools in which all friable materials have been sampled and analyzed in accordance with section 763.4 and section 763.5 of volume 40 of the Code of Federal Regulations.

☐

5. The number of schools with friable material(s) that contain(s) asbestos.

☐

If the answer to question 5 is none, disregard questions 6-7 and go on to the certification. Otherwise, fill in the following information about the schools enumerated in question 5.

6. The total area in square feet of all friable asbestos-containing materials found in these schools.

☐

7. The total number of school employees who regularly work in schools where friable asbestos-containing materials are present.

☐

Certification:

Please read and sign below the following statement:

> I hereby certify that this local educational agency has complied with the EPA regulation 40 CFR §763.1-§763.10, "Asbestos-Containing Materials in Schools Identification and Notification," and that the information on this form is, to the best of my knowledge, true and complete.

Signed ____________________________

Name ____________________________

Title ____________________________

Date _______________________

Additional forms can be obtained by calling 800-424-9065 (554-1404 in the Washington, D.C. area).

BILLING CODE 6560-01-C

§ 763.8 Optional recordkeeping form for schools.

(a) *Form.* Use of this form is optional. It does, however, provide a convenient means of complying with the recordkeeping requirements for schools contained in § 763.7(a) (1), (2), and (5), and of providing to the officials of the local education agency the information they need to complete the records required in § 763.7 (b) and (c).

BILLING CODE 6560-01-M

SCHOOL ASBESTOS IDENTIFICATION

(Optional Form)

1. SCHOOL NAME
ADDRESS
SCHOOL DISTRICT
CITY
COUNTY
STATE
ZIP CODE

2. BUILDING	3. INSPECTED FOR FRIABLE MATERIAL		4. FRIABLE MATERIAL PRESENT		5. SAMPLING AREAS	6. SAMPLED AND ANALYZED		7. PERCENT ASBESTOS	8. SQUARE FEET
	YES	NO	YES	NO		YES	NO		

EPA Form 7710-37 (8-80)

BILLING CODE 6560-01-C

(b) *Instructions.* If this form is used, a copy should be retained in the administrative office of the school along with the records required by § 763.7(a)(3), (4), (6), and (7).

1. Fill in the blanks as indicated on the form.

2. In column 2, list all the school buildings within the school.

3–4. In these columns, indicate (yes or no) whether each of these buildings:

3. was inspected in accordance with § 765.3;

4. contains friable material

If none of the buildings contains friable material, stop. Otherwise, to to the question 5.

5. For each building that contains friable materials, list in this column the location of each sampling area in the building.

6. In this column, indicate (yes or no) whether each of these sampling areas was sampled and analyzed in accordance with § 763.4 and § 763.5.

7. In this column show the percent asbestos content of each sampling area. Compute this figure by averaging the percent asbestos content of the samples taken from the sampling area. If the material in the sampling area contains no asbestos, write "0%".

If none of the sampling areas contains friable asbestos-containing material, stop. Otherwise, go on to question 8.

8. For each sampling area, list in this column the total area in square feet of friable asbestos-containing material.

§ 763.9 Compliance.

(a) Local educational agencies shall comply with this regulation by September 1, 1981.

(b) Actions undertaken by municipal or State officials on behalf of local educational agencies as a part of a municipal or State school asbestos program shall constitute compliance with this regulation to the extent that such actions conform to the requirements of this regulation.

(c) Section 15(1) of TSCA (15 U.S.C. 2614) makes it unlawful for any person to fail or refuse to comply with any rule promulgated or order issued under section 6 of TSCA. Thus, failure to comply with any aspect of this rule constitutes a violation as defined by section 15(1) of TSCA.

(d) Section 16(a) of TSCA (15 U.S.C. 2615) provides that any person who violates any provision of section 15 shall be liable to the United States for civil penalties. If a violation is knowing or willful, criminal penalties may also be assessed. Under section 17 of TSCA (15 U.S.C. 2616), the Agency may take injunctive action to restrain persons from violating section 6 rules.

§ 763.10 Exemptions.

(a) Sections 763.3, 763.4, and 763.5 shall not apply to schools in which, prior to the effective date of this rule, local educational agencies, or municipal or State agencies, acting on behalf of their local educational agencies, have:

(1) Visually inspected all areas of the school for friable materials;

(2) Sampled each type of friable material found in the school, as distinguished by different appearance or texture; and

(3) Had the sample(s) analyzed using Polarized Light Microscopy supplemented by X-ray Diffraction where necessary, or by Electron Microscopy.

(b) Sections 763.6, 763.7, and 763.9 shall apply to all local educational agencies.

[FR Doc. 80-28624 Filed 9-16-80; 8:45 am]

BILLING CODE 6560-01-M

federal register

Wednesday
September 17, 1980

Part VII

Department of Health and Human Services

Office of Human Development Services

Child Welfare Research and Demonstration Grants Program; Program Announcement No. 13608-811

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

Child Welfare Research and Demonstration Grants Program; Program Announcement Number 13608-811

SUBJECT: Announcement of Availability of Grant Funds for the Child Welfare Research and Demonstration Grants Program under Section 426 of the Social Security Act as Amended.

DATE: Closing date for receipt of all applications under this program announcement is December 1, 1980.

Definitions of Research and Demonstration

Research refers to a project to develop new knowledge or to evaluate existing knowledge in new settings.

Demonstration refers to activities designed specifically to show the method of operation or applicability of a research or program model.

Scope of This Program Announcement

This Program Announcement covers the first quarter of Fiscal Year 1981. This is one of a series of Program Announcements relating to the purpose and objectives of the Child Welfare Research and Demonstration Grants Program. Competition for grant awards in other ACYF special emphasis areas within the program will be announed separately in the **Federal Register.**

Grant support is not available for ongoing programs or services (such as the provision of day care services), for projects that demonstrate a service that has already been established in other communities and is generally accepted as part of a comprehensive child welfare or child development program, or for staff training projects.

Since ACYF funds research and demonstration grants under its National Center on Child Abuse and Neglect, it will not consider or fund child abuse and neglect projects under the authority of the Child Welfare Research and Demonstration Grants Program.

Program Purpose

The purpose of the Child Welfare Research and Demonstration Grants Program is to support (1) special research or demonstration projects in the field of child welfare which are of regional or national significance; (2) special projects for the demonstration of new methods or facilities which show promise of substantial contribution to the advance of child welfare; (3) projects for the demonstration of the utilization of research (including findings resulting therefrom) in the field of child welfare in order to encourage experimental and special types of welfare services, and (4) special projects for the demonstration of innovative methods or facilities which show promise of substantial contribution to meeting a variety of family needs.

Program Goal and Objectives

The overall goal of the program is to support projects where the utilization of findings is expected to make a substantial contribution to the enhancement of the development and welfare of children and families.

To accomplish this goal, grants will be awarded for projects which reflect the following three program objectives.

1. *To conduct child and family research or demonstration projects which address the Information Needs of Parents of Children ages 4–8 and 9–13.*—The purpose of this objective is to generate scientific knowledge about the provisions and use of child development information by different types of families with children ages four to eight and nine to thirteen years. This project is a logical extension of the 1977 priority which generated information for parents of very young children (0–3 years of age). ACYF will support scientifically sound proposals which respond to the above stated objective and which are guided by one or more of the questions listed below:

a. What types of information do parents have about child development for the age groups 4–8 years and 9–13 years? How do parents seek, acquire and use such information? What effect does the use or failure to use appropriate child development information have on child outcomes, parent-child interaction and sibling interaction?

b. What do parents perceive as their child development information needs? How do parents' perceived child development information needs vary as a function of family structure, family developmental stage, economic, social and cultural circumstances? What kinds of child development information do parents of the identified age groups find most useful for child development?

c. How can scientific knowledge about child development be communicated in culturally sensitive ways to different types of families? What information and dissemination strategies are most effective in increasing parents' awareness of child development processes and in expanding parents' knowledge bases without preempting their role as primary decision makers in the rearing of their children? Does the type of child development information disseminated to parents affect their pattern of utilization of family support services?

2. *To conduct projects which develop and demonstrate innovative family support systems.*—ACYF has pursued a consistent strategy in its research and demonstration activities in the area of child and family development. The major theme has been that the family is a viable unit providing unique services to its members, although the strategies for carrying out its primary tasks may change over time. Strategies also change in response to the stage of the family development cycle. This is because the family exists within an ecological setting composed of informal systems of support networks which mediate its interactions with the formal institutions of society. While these formal and informal systems play a significant role in normally occurring stress periods as when a child is born, a parent dies, parents separate or divorce, unemployment occurs, ACYF is particularly interested in the less common but more difficult stresses. Examples of these more difficult stresses encountered by families are (a) when family stress reaches the point of domestic violence, (b) when the parenting role is resumed after a parent or child has been institutionalized, e.g., prison, extended hospitalization, foster care, (c) when the role and responsibilities of being a father or stepfather are assumed, particularly for very young men and/or for other groups where there are indications of special difficulty, (d) when an urban United States living pattern is assumed as by rural and American Indian families or by refugees or immigrants whether legal or undocumented, (e) when a work role is assumed after a parent has been dependent on AFDC, or (f) other similar family stress situations. ACYF will support projects proposing to demonstrate methods for addressing these stresses. Projects proposing to demonstrate an appropriate support service/network must be accompanied by an evaluation.

3. *To develop replicable community models of projects which have developed unique and innovative approaches to meeting a variety of family needs and correcting service deficiencies.*—This third program objective addresses the immediate concern of the Office for Families. This office, established within ACYF in November 1979, is concerned about the fragmentation of services delivered to families. Reasons for fragmentation include: (1) the absence of financial

incentives to encourage the development of comprehensive services; and (2) the tendency to address problems in a categorical, narrow and prescriptive fashion. ACYF will support community based projects that have developed unique and innovative approaches to meeting a variety of family needs and correcting service deficiencies. The focus of these demonstration projects should be on linkages among community services that overcome fragmentation in these service delivery systems and that offer a family perspective. In addition, these demonstration projects shall serve as community models that are replicable in other parts of the country. Demonstration projects which cover a variety of family support services such as income supports, cooperative neighborhood centers, transportation and energy-related services; legal/correctional services such as court custody determinations and mediation, domestic violence prevention, prison reform, child abuse and neglect prevention; educational services such as parenting education, alternate schools, job skills, family life education; health services such as handicapped, mental health, medical/dental, and family planning; day care services such as child day care, elderly day care, respite care; residential care such as nursery homes, treatment programs for delinquents, mentally disabled, chronically ill; and foster care and adoption.

Program strategies may include the following: advocacy, voluntary services, information dissemination, crisis intervention, counseling, networking, public policy/family impact analysis, medical/psycholotherapeutic intervention, training/technical assistance, and resource development.

Grants may be used to match and/or supplement private, community, or foundation sources of capital. First priority for funding will be projects with a demonstrated community commitment of resources. Applications are encouraged from nonprofit organizations, including voluntary groups.

Grants are intended to support demonstration projects which will improve quality, expand service capacity, increase the population served and/or disseminate information about family-related projects. Special consideration will be given to geographic distribution of grants and services to low-income and minority families. Projects funded must ensure development of an instrument for dissemination to and/or replication by other community organizations nationwide.

Eligible Applicants

Public or other nonprofit institutions of higher learing, public or other nonprofit agencies and organizations engaged in child and family welfare activities including research may apply.

Available Funds

The Administration for Children, Youth and Families expects to award approximately $1.1 million (of the $12.0 million expected to be appropriated by Congress for Fiscal Year 1981) for new grants responding to the child and family objectives listed above. Approximately $525,000 will be awarded for objective 1; $500,000 for objective 2 and $75,000 for objective 3.

It is expected that approximately sixteen grants will be awarded pursuant to this announcement. The range of grant awards is expected to be between $80,000 and $120,000 for objectives 1 and 2. For objective 3, the grants will range between $10,000 and $20,000. Projects will be supported for periods of one to three years for objectives 1 and 2. For objective 3 the grants will be for one year.

A new grant is the initial grant made in support of a project. The initial grant sustains the Federal share of the budget for the first year of the project. Continued support for additional time remaining in the project period is dependent on the availability of funds and the grantee's satisfactory progress.

Grants awarded pursuant to this announcement will be funded by December 31, 1980.

Grantee Share of the Project

Grantees may share in the costs of *research* projects only. It is generally expected that grantees will provide at least five percent of total project costs. The grantee share may be in cash or in kind but must be project-related and allowable under the Department's applicable cost principles and Subpart G published in 45 CFR Part 74 (see 43 FR 34076, August 2, 1978).

The Application Process

Availability of Forms

In order to be considered for a grant under the Child Welfare Research and Demonstration Grants Program, an application must be submitted on the standard forms supplied and in the manner prescribed by the Administration for Children, Youth and Families. Application kits which contain the prescribed application forms and information for the applicant may be obtained from:

Administration for Children, Youth and Families Research, Demonstration and Evaluation Division, P.O. Box 1182, Washington, D.C. 20013.
Attention: 13608–811
Telephone: (202) 755–7755; 755–7758; 755–7740

Application Submission

The prescribed application form must be signed by an individual authorized to act for the applicant agency and to assume for the agency the obligations imposed by the terms and conditions of the grant award.

One signed original and two copies of the grant application, including all attachments, must be submitted to the address indicated in the application instructions. The application must clearly identify the program announcement number and the program objective for which the application is to compete.

A–95 Notification Process

This program does not require the A–95 notification process.

Application Consideration

The Commissioner for Children, Youth and Families will make the final decision on each grant application for this program. Applications which are complete and conform to the requirements of this program announcement will be competitively reviewed and evaluated by qualified persons independent of the Administration for Children, Youth and Families. An application will compete only with other applications addressing that same objective.

The results of the review will assist the Commissioner in considering competing applications. The Commissioner's consideration will also take into account the comments of the HHS Regional Offices and the Headquarters ACYF staff.

If the Commissioner decides to disapprove or not to fund a competing grant application, the unsuccessful applicant will be notified in writing. The letter will include an explanation of the reasons for disapproval or non-funding or will indicate that an explanation may be obtained upon request.

Successful applicants will be notified through the issuance of a Notice of Financial Assistance Awarded (NFAA), which sets forth the amount of funds granted, the terms and conditions of the grant, the budget period for which support is given, the total grantee share expected, and the total period for which project support is contemplated.

Criteria for Review and Evaluation of Grant Applications

Competing grant applications for objectives 1 and 2 will be reviewed and evaluated against the following criteria:

1. Estimated cost to the government is reasonable considering anticipated results; (10 points)

2. Project objectives are identical with or capable of achieving the specific program purpose and objectives defined in the program announcement and program guidance; (20 points)

3. Proposed methodology or procedures, if well executed, are capable of attaining project objectives:

a. Review of literature

b. Innovativeness of approach/design

c. Objectives/hypotheses clearly stated

d. Procedures (sample size; comparison/control groups; treatment(s); design, measures/instruments; data analysis plan; time schedule; reports) (30 points)

4. Comparability of proposed study to other completed and/or ongoing studies:

a. Applicant indicates awareness of related projects

b. Applicant uses marker measure and marker variables for research comparability as appropriate (10 points)

5. Project personnel are or will be well qualified, and applicant organization has or will have adequate facilities; (20 points)

6. Dissemination/Utilization Plan

a. Applicant indicates knowledge of appropriate users

b. Applicant presents an appropriate utilization plan (10 points)

Competing grant applications for objective 3 will be reviewed and evalutated against the following criteria

1. Estimated cost to the government is reasonable considering anticipated results; (10 points)

2. The proposed project provides a family perspective to at least one of the identified service areas; (10 points)

3. The proposed project is innovative, non-duplicative of other funded projects, and worth replicating in other parts of the country; (25 points)

4. Program objectives are reflected in efforts to correct service deficiencies by improving quality, expanding service capacity, increasing the population served, and/or disseminating information about family-related projects; (20 points)

5. Federal funding supplements private, community of foundation sources of capital; (10 points)

6. Applicant can show organizational experience, staffing and structure, and sufficient capability for implementation of project objectives; (15 points)

7. Applicant plans to submit a replication model to be used for developing similar projects elsewhere and an appropriate utilization plan. (10 points)

In addition to the above criteria, applications will be reviewed to assure:

1. that if subjects are at risk, appropriate safeguards have been taken, and

2. that if formal agreements with cooperating agencies are necessary for the implementation of a demonstration project, they are documented and included with the application.

Closing Date for Receipt of Applications

The closing date for receipt of all applications under this Program Announcement is December 1, 1980. Applications may be mailed or hand-delivered. An application will be considered received on time if:

- The application was sent by registered or certified mail not later than December 1, 1980 as evidenced by the U.S. Postal Service postmark or the original receipt from the U.S. Postal Service;
- The application is received on or before close of business, December 1, 1980 in the DHHS mailroom in Washington, D.C.; or
- The application is hand-delivered to the address on the application kit by close of business December 1, 1980. Hand-delivered applications will be accepted daily from 9 a.m. to 5:30 p.m. except Saturdays, Sundays, and Federal holidays. In establishing the date of receipt, consideration will be given to the time date stamps of the mailroom or other documentary evidence of receipt maintained by the Department of Health and Human Services.

Applications received after the deadline because they were postmarked or hand-delivered too late or addressed incorrectly will not be accepted and will be returned to the applicant without consideration.

(Catalog of Federal Domestic Assistance Program Number 13608 Child Welfare Research and Demonstration Grants Program)

Dated: August 5, 1980.

John A. Calhoun,
Commissioner for Children, Youth and Families.

Approved: September 10, 1980.

Kathryn Morrison,
Acting Assistant Secretary for Human Development Service.

[FR Doc. 80-28678 Filed 9-16-80; 8:45 am]

BILLING CODE 4110-92-M

federal register

Wednesday
September 17, 1980

Part VIII

Federal Communications Commission

Interim Processing Procedures for TV Translator Applications Seeking Low-Power Features

FEDERAL COMMUNICATIONS COMMISSION

Interim Processing Procedures for TV Translator Applications Seeking Low Power Features

September 12, 1980.

On September 9, 1980, the Commission adopted a Notice of Proposed Rulemaking proposing the authorization of a new class of broadcast stations called the Low Power Television Service which would be allowed to originate an unlimited amount of programing (FCC 80–503). The service is envisioned as operating on a secondary, non-interference basis to regular, full service TV broadcast operations. It would include existing TV translators, which are secondary low power stations that receive a television signal on one channel, amplify it, and then retransmit that signal on another channel.

Under the proposal, applicants would have the option of originating an unlimited amount of programing as well as encoding program material for broadcast on a subscription basis, so long as program rights are obtained in every case from the station being rebroadcast or the owner of program rights for nonbroadcast material.

During the pendency of the rulemaking, the freeze on applications for experimental low power stations, imposed by the Commission on April 24, 1980, will remain in effect. Low power experimental applications will not be accepted for filing until further action by the Commission. However, the Commission decided not to impose a freeze upon the processing of conventional translator applications. In addition, the Commission decided to entertain translator applications accompanied by a properly supported request for waiver of the Commission's Rules, to include low power features, on an *ad hoc* basis.

The purpose of this *Public Notice* is to describe the Commission's policy on interim processing of translator applications seeking low power features during the pendency of the rulemaking. Further, this *Public Notice* describes procedures that the Broadcast Bureau intends to follow in the processing of applications, to assure the fair and orderly implementation of the Commission's policy.

All prospective applicants should be aware of the following conditions that the Commission has imposed upon the interim processing of translator applications, including those seeking authority for low power features:

1. No final rules for the Low Power Television Service have been adopted, and there is no assurance that all—or any—of the proposed rules will be finally adopted. Thus, any departure of an application from the existing translator rules must be specifically stated, and supported by requests for waiver of the applicable rules and by a public interest justification therefor.[1]

2. All translators applications—whether they are conventional or include waivers for low power features—will be conditioned expressly upon the outcome of the rulemaking. In the condition, the Commission will reserve the right to modify or to terminate any such authorizations upon 60 days notice after the adoption of any final *Report and Order* in the Low Power proceeding. This restriction is in addition to secondary status, which requires all translators to relinquish their frequency when a full service TV station elects to operate there.

3. The Commission has instructed the staff not to act upon applications that are mutually exclusive. All applications will be subject to the Commission's "cut-off" procedures as outlined in Section 73.3572 of the Commission's Rules. The "cut-off" procedures involve issuance of a public notice informing all interested persons that objections or competing applications may be filed by a date shown in the notice. The date is usually 45–60 days from the released date of the notice. The notice is published in the **Federal Register** for a period of thirty (30) days. Prior to the "cut-off" date the applications cannot be processed. Contested applications will require submittal to the Commission for individual disposition. The staff also has been instructed to defer action on any application that is inconsistent with the technical standards or the ownership rules of the proposed Low Power Television Service. For this reason, the Bureau urges applicants considering interim low power applications to familiarize themselves with the text of the Notice of Proposed Rulemaking prior to their making application.

4. The Commission cautioned that processing of applications can only be done within the Commission's administrative resources. The Bureau cannot guarantee that processing of the applications will occur during any fixed timetable.

The remainder of this *Public Notice* describes additional procedures that the Broadcast Bureau has adopted for the interim handling of applications.

Who May Apply?

Any qualified individual or group may apply for a television translator station seeking a waiver for low power features. Qualification is based upon compliance with the statutory requirements with respect to citizenship, financial qualifications, and technical standards. An applicant must show sources of funds readily available and equal in amount to the estimated cost of equipment and installation, plus the cost of operation for three months.

As to technical requirements, all transmitting apparatus proposed to be utilized must meet the requirements for type approval by the Commission as set forth in the Rules. In addition, each proposal must contain a complete, detailed diagram and narrative statement describing the technical aspects of the application. The showing must include an analysis of the interference potential for the frequency selected. Such studies, as a rule, can be made only by qualified broadcast technicians. The Commission's staff is not available for technical assistance to prospective applicants and the staff will only give advice on application procedures. It is highly recommended that prospective applicants for TV translators with low power features retain competent broadcast technical help in planning and submitting applications. Only those applications that are engineered with care and certified by a technically qualified individual will be accepted for filing and processed.

Defective applications will be summarily returned without action. It is further recommended that each prospective applicant obtain a copy of Part 74, Subpart G of the Commission's Rules, which sets out the legal and technical requirements for television translator stations. The rules may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, at a nominal cost. A thorough understanding of the rules *must* be obtained before any attempt to file and application is made. *There is no rush to file applications nor is there any advantage or premium on being the first applicant. The premium is on filing a complete and sufficient application.* Any preclusion of a local frequency by another applicant will be shown on a "cut-off list," with an opportunity for the filing of a competing application or a responsive pleading.

What Form Is Required?

Application must be made on FCC Form No. 346, submitted in triplicate. Copies of this form may be obtained from Room B-10 of the Commission's headquarters in Washington, D.C. Licensees of existing translator stations who may want to add low power features also must submit FCC Form No. 346 to modify their existing authorizations. Such modification applications must contain a public interest justification for the waiver request. It is emphasized that translator licensees also can elect to await the outcome of the rulemaking. The low power features are proposed to be added to all translator stations through a change in the rules, without individual filing being required.

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[1] In this regard, see §§ 74.701(a) and 74.731(b) of the Commission's Rules, which limit translators solely to rebroadcasting.

How Long Will It Take for an Application To Be Processed?

The Commission will make every effort to process translator applications seeking waiver of the rules for low power features in an expeditious manner. Prospective applicants may assist the Commission in meeting this objective by filing carefully prepared, complete applications. However, applications seeking waivers for low power features will not be processed on a priority basis to the detriment of previously filed or future applications for conventional translators or any of the other broadcast services administered by the Commission's Broadcast Facilities Division.

Although the Commission is in receipt of 15 translator applications seeking waiver for low power features, none of the applications has been accepted for filing. It is anticipated that the applications will be accepted within the immediate future.

Will Low Power Applications Be Processed In The Same Manner as Conventional Translator Applications?

In summary, because there are no rules for low power stations, it is necessary for each applicant, separately and individually, to establish the public interest justification for an interim grant. The first step is to prepare a complete and sufficient application on Form 346. The second step is to describe exactly the waivers being sought and the public interest justification therefor. The failure to comply with both of these steps will result in an application being summarily returned without action. There is no premium on being the first applicant to file. Expeditious processing will be accorded those applications that are complete and sound from a technical viewpoint.

Where Can I Obtain Further Information?

Further information may be obtained from the FCC Consumer Assistance and Information Division, (202)632-7000, and from the Minority Enterprise Division, (202)634-1770.

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

[FR Doc. 80-28743 Filed 9-16-80; 8:45 am]

BILLING CODE 6712-01-M

Reader Aids

Federal Register
Vol. 45, No. 182
Wednesday, September 17, 1980

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202-523-5240.

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633-6930	Public Inspection Desk
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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

NOTE: As of September 2, 1980, documents from the Animal and Plant Health Inspection Service, Department of Agriculture, will no longer be assigned to the Tuesday/Friday publication schedule.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

Note: There were no items eligible for inclusion in the list of **Rules Going Into Effect Today.**

Deadlines for Comments on Proposed Rules for the Week of September 21 through September 27, 1980

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service—

48905 7–22–80 / Foreign quarantine notices; flag smut (foreign strains) comments by 9–23–80

49503 7–25–80 / Nursery stock, plants, roots, bulbs, seeds, and other plant products, certain seeds imported from Brazil; comments by 9–23–80

Agricultural Stabilization and Conservation Service—

56067 8–22–80 / Tobacco (burley); Marketing quotas and acreage allotments; Reporting and record keeping requirements; comments by 9–22–80

Food and Nutrition Service—

56817 8–26–80 / Food distribution program; comments by 9–25–80

Office of the Secretary—

49275 7–24–80 / Community facility loans; small-scale hydroelectric generating systems; comments by 9–22–80

Rural Electrification Administration—

49585 7–25–80 / Proposed revision of REA Bulletin 181–3, accounting interpretations for rural electric borrowers; comments by 9–23–80

CENTRAL INTELLIGENCE AGENCY

49296 7–24–80 / Freedom of information and declassification requests; fees for records services; comments by 9–22–80

CIVIL AERONAUTICS BOARD

52820 8–8–80 / Actual notice to passengers about the terms of the contract of carriage, airlines requirement; reply comments by 9–23–80

57435 8–28–80 / Intermodal cargo services, domestic and foreign air carriers; liberalized regulations; denial of extension of time; reply comments by 9–22–80

42318 6–24–80 / Intermodal services of air carriers and foreign air carriers; liberalize regulation; comments by 9–22–80

COMMODITY FUTURES TRADING COMMISSION

42633 6–25–80 / Minimum financial and related reporting requirements; comments by 9–23–80

[Corrected at 45 FR 44965, 7–2–80]

ENERGY DEPARTMENT

54082 8–14–80 / Natural gas pipelines; annual gas supply report; Revised From No. 15; comments by 9–26–80

Federal Energy Regulatory Commission—

55761 8–21–80 / Tax normalization for timing difference transactions; computation for ratemaking and income tax purposes of expenses or revenues; reply comments by 9–26–80

ENVIRONMENTAL PROTECTION AGENCY

49115 7–23–80 / Air plans; approval and promulgation of State plan for designated facilities and pollutants; comments by 9–22–80

56104 8–22–80 / Air quality; Section 107—Proposed designations of attainment Status-Areas East of the Mississippi River—Ozone; comments by 9–22–80

54385 8–15–80 / Alternate Method 1 to Reference Method 9 of Appendix A—determination of the opacity of emissions from stationary sources remotely by lidar; comments extended to 9–25–80

[*See also* 45 FR 44329, 7–1–80]

49298 7–24–80 / Approval and promulgation of implementation plans; Utah SO_2 control strategy; comments extended to 9–27–80

[*See also* 45 FR 40169, June 13, 1980]

56847 8–26–80 / Approval and promulgation of State Implementation Plans; Colorado; comments by 9–25–80

59339 9–9–80 / Approval and promulgation of implementation plans; Ohio; comments by 9–24–80

56848 8–26–80 / Designation of areas for air quality planning purposes; Texas; comments by 9–25–80

49450 7–24–80 / Inorganic chemicals manufacturing point source category effluent limitations guidelines, pretreatment standards, and new source performance standards; comments by 9–22–80

26660 4–18–80 / National emission standard for benzene from maleic anhydride plants; comments by 9–22–80

[Comment period extended at 45 FR 49298, 7–24–80]

49117 7–23–80 / New Mexico; designation of areas for air quality planning purposes; comments by 9–22–80

49110 7–23–80 / Visibility protection for Federal Class I areas; guidelines availability; reply comments by 9–24–80

FEDERAL COMMUNICATIONS COMMISSION

51252 8–1–80 / Amending rules regarding the multipoint distribution service; comments extended to 9–26–80

54784 8–18–80 / Amendment of computing devices rules clarifying which electronic games are exempted from commission certification; comments by 9–22–80

56115 8–22–80 / Authorizing the Communications Satellite Corporation to provide International Satellite Communications services directly to the public; reply comments extended to 9–23–80

[*See also* 45 FR 43441, 6–27–80]

57466 8–28–80 / FM broadcast station in Minnesota; table of assignments; extension of time; reply comments by 9–25–80

40192 6–13–80 / Permitting facsimile and television transmission in additional frequency band; comments by 9–22–80

55775 8–21–80 / Radio services, special; microwave device, new low power, unlicensed class and low power, limited coverage systems operation; comments by 9–26–80

FEDERAL ELECTION COMMISSION

56349 8–25–80 / Nonpartisan communications by corporations or labor organizations; comments by 9–24–80

FEDERAL EMERGENCY MANAGEMENT AGENCY

49299 7–24–80 / Advisory committees; policies and procedures, comments by 9–22–80

FEDERAL TRADE COMMISSION

50357 7–29–80 / Mentholatum Co.; consent agreement with analysis to aid public comments; comments by 9–26–80

53340 8–11–80 / Provisions for use of energy cost and consumption information in labeling and advertising of consumer appliances under the energy policy and conservation act; comments by 9–25–80

GENERAL SERVICES ADMINISTRATION

Public Buildings Service—

52842 8–8–80 / Improved use of Federal facilities and space; comments by 9–22–80

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

35576 5–27–80 / Anorectal drug products for OTC human use; establishment of a monograph; reply comments by 9–24–80

56796 8–26–80 / Antistatic and/or antifogging agents in food-packaging materials; objections by 9–25–80

56052 8–22–80 / Dipropylene glycol dibenzoate; objections by 9–22–80

56051 8–22–80 / Glycerol ester of tall oil rosin, food additives permitted for direct addition to food for human consumption; objections by 9–22–80

48918 7–22–80 / Human and veterinary drugs; current good manufacturing practice for drug products, exemption from expiration dating and stability testing requirements for allergenic extracts; comments by 9–22–80

56796 8–26–80 / Indirect food additives; adhesives coatings and components; objections by 9–25–80

Health Care Financing Administration—

50268 7–28–80 / Medicare and medicaid; automatic extinguishment systems for new long-term care facilities; comments by 9–26–80

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner—

49595 7–25–80 / Minimum property standards (MPS) for one- and two-family dwellings and for multifamily housing; comments by 9–23–80

INTERIOR DEPARTMENT

Fish and Wildlife Service—

49854 7–25–80 / Proposal to determine *eriogonum gypsophilum* (Gypsum wild buckwheat) to be a threatened species and to determine its critical habitat; comments by 9–23–80

49844 7–25–80 / Proposed endangered status for U.S. populations of five species; comments by 9–23–80

49858 7–25–80 / Proposed rule to determine *Hedeoma todsenii* (Todsens penneyroyal), to be an endangered species and to determine its critical habitat; comments by 9–23–80

49850 7–25–80 / Reproposal of endangered status for *Stygobromus hayi,* (Hay's Spring Amphipod); comments by 9–23–80

LABOR DEPARTMENT

Employment and Training Administration—

56074 8–22–80 / Labor certification process for the temporary employment of aliens in agriculture; Requirements as to the provision of meals; comments by 9–22–80

Wage and Hour Division, Employment Standards Administration—

49628 7–25–80 / Service Contract Act; labor standards for Federal service contracts; comments extended to 9–23–80

[*See also* 44 FR 77036, 12–28–79; 45 FR 34877, 5–23–80; 45 FR 42332, 6–24–80]

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

59175 9–8–80 / Operations and relocation procedures; establishment of "life estates" regulations; comments by 9–26–80

PERSONNEL MANAGEMENT OFFICE

49580 7–25–80 / Federal pay administration under the Fair Labor Standards Act; comments by 9–23–80

48904 7–22–80 / Reduction in force; comments by 9–22–80

POSTAL SERVICE

56367 8–25–80 / Amendment of controlled circulation application procedures; comments by 9–24–80

SECURITIES AND EXCHANGE COMMISSION

57436 8–28–80 / Public Utility Holding Company Act; Non-utility subsidiaries, exemption; comments by 9–26–80

SMALL BUSINESS ADMINISTRATION

48916 7–22–80 / Small Business Investment Companies; Limited Partnership SBIC; definition of "Associate of a Licensee"; comments by 9–22–80

TREASURY DEPARTMENT

Comptroller of Currency—

49276 7–24–80 / National banks; definitions of capital; comments by 9–22–80

49239 7–24–80 / Ownership of stock necessary to qualify as Director of a national bank; interpretive ruling; comments by 9–22–80

Internal Revenue Service—

48921 7–22–80 / Income of foreign governments; comments by 9–22–80

48922 7–22–80 / Qualified disclaimers; comments by 9–22–80

VETERANS ADMINISTRATION

56093 8–22–80 / Rules of practice; appeals regulations; comments by 9–22–80

Deadlines for Comments on Proposed Rules for the Week of September 28 through October 4, 1980

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service—

51176 8–1–80 / Domestic quarantine notices; Gypsy moth and browntail moth; list of hazardous recreational vehicle sites; comments by 10–1–80

50318 7–29–80 / Restriction of interstate movement of certain articles from areas in Los Angeles County and Santa Clara County in California because of occurrence of the Mediterranean fruit fly (final rule); comments by 9–29–80

Federal Crop Insurance Corporation—

51573 8–4–80 / Western U.S. apple crop insurance regulations; comments by 10–3–80

Food and Nutrition Service—

51216 8–1–80 / Food Stamp Program: resource exclusion of trust funds; comments by 10–1–80

Food Safety and Quality Service—

61314 9–16–80 / Food grading policy; comments by 10–1–80

[*See also* 45 FR 36417–36427, 5–30–80]

51217 8–1–80 / Inspection and grading services and standards of manufactured or processed dairy products; comments by 9–30–80

59325 9–9–80 / U.S. standards for grades of frozen green beans and frozen wax beans; comments by 9–30–81

Forest Service—

56082 8–22–80 / Timber management planning; comments by 9–30–80

Rural Electrification Administration

57727 8–29–80 / Electric loan policies and application procedures for supplemental resources loans; comments by 9–29–80

CIVIL AERONAUTICS BOARD

51838 8–5–80 / Navigation of foreign civil aircraft within the U.S.; comments by 9–30–80

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

48172 7–18–80 / Atlantic groundfish, permit sanctions; comments by 10–1–80

35844 5–28–80 / Fish blocks and fillets; clarification of labeling requirements; comments by 9–30–80

Office of the Secretary—

51592 8–4–80 / Federal voluntary standards policy; rebuttal comments by 10–2–80

COMMODITY FUTURES TRADING COMMISSION

51600 8–4–80 / Revisions of commodity pool operator and commodity trading advisor regulations; comments by 9–30–80

51598 8–4–80 / Revision of requirements for monthly and confirmation statements; comments by 9–30–80

COMMUNITY SERVICES ADMINISTRATION

58534 9–4–80 / Emergency energy conservation program; funding requirements for Fiscal Year 1981 Crisis Intervention Program (Final Rule); comments by 9–29–80

EDUCATION DEPARTMENT

51243 8–1–80 / Basic educational opportunity grant program; family contribution schedules; comments by 9–30–80

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

58368 9–3–80 / Exemption from the Federal Power Act of small hydroelectric power projects with a proposed installed capacity of 5 megawatts or less; comments by 9–29–80

56072 8–22–80 / High-cost gas produced from tight formations; comments by 9–29–80

ENVIRONMENTAL PROTECTION AGENCY

58146 9–2–80 / Approval and promulgation of implementation plan revisions; Illinois; comments by 10–2–80

51620 8–4–80 / Approval and promulgation of secondary nonattainment plans for Iowa; comments by 10–3–80

57459 8–28–80 / Massachusetts air quality implementation plans; approval and promulgation; comments by 9–29–80

50833 7–31–80 / National interim primary drinking water regulations; variances; comments by 9–29–80

57458 8–28–80 / North Carolina air quality implementation plans, approval and promulgation; comments by 9–29–80

58500 9–3–80 / Oxyfluorfen; proposed tolerances; comments by 10–3–80

58497 9–3–80 / Oxyfluorfen; proposed tolerance; comments by 10–3–80

58495 9–3–80 / Oxyfluorfen; proposed food additive tolerance; comments by 10–3–80

58381 9–3–80 / State Implementation Plan requirements; proposed amendment to delayed compliance order, Fla. Power Corp.-Crystal River Plant near Red Level, Fla.; comments by 10–3–80

58923 9–5–80 / Wisconsin State Implementation Plan; comments extended to 10–3–80

[Originally published at 45 FR 45318, 7–3–80]

FEDERAL COMMUNICATIONS COMMISSION

32013 5–15–80 / Allocating Spectrum in the 928–941 MHz Band and To Establish Other Rules, Policies, and Procedures for One-Way Paging Stations in the Domestic Public Mobile Radio Service and the Private Land Mobile Radio Services; reply comments by 9–30–80

37468 6–3–80 / Availability of additional FM frequencies and modification of procedures used in assigning such channels; comments by 10–1–80

[*See also* 45 FR 17602, 3–19–80 and 45 FR 26390, 4–18–80]

53844 8–13–80 / Biomedical telemetry operations; amendments; reply comments by 9–30–80

52843 8–8–80 / FM broadcast station in Greybull, Wyo.; proposed changes in table of assignments; comments by 9–29–80

52846 8–8–80 / FM broadcast station in Hugoton, Kans.; proposed changes in table of assignments; comments by 9–29–80

49626 7–25–80 / FM broadcast station in Laurel Hill, N.C.; proposed changes in table of assignments; reply comments by 10–1–80

52845 8–8–80 / FM broadcast station in Ogallala, Nebr.; proposed changes in table of assignments; comments by 9–29–80

55241 8–19–80 / FM broadcast stations in Pasco, Wash.; table of assignments; comments by 10–3–80

52848 8–8–80 / FM broadcast station in Petersburg, Ill.; proposed changes in table of assignments; comments by 9–29–80

49625 7–25–80 / FM broadcast stations in Rhinelander, Tomahawk, Washburn, and Wausau, Wis.; proposed changes in table of assignments; rely comments by 10–1–80

49624 7–25–80 / MTS and WATS market structure; compensation for uses of local telephone exchange facilities for interstate or foreign telecommunications; reply comments extended to 9–30–80

[*See also* 45 FR 20142, 3–27–80 and 45 FR 26274, 4–21–80]

58150 9–2–80 / 9 kHz channel spacing for AM broadcasting; comments by 10–1–80

58608 9–4–80 / Regulatory policies concerning resale and shared use of common carrier international communications services; reply comments by 9–29–80

[*See also* 45 FR 51251, 8–1–80]

47444 7–15–80 / Revision of applications for renewal of license of commercial and noncommercial AM, FM and television licensees; comments by 10–1–80

FEDERAL EMERGENCY MANAGEMENT AGENCY

59344 9–9–80 / Implementation of State assistance program for training and education in emergency management; comments by 9–30–80

FEDERAL HOME LOAN BANK BOARD

50797 7–31–80 / Reserve accounts; net worth requirements; comments by 9–29–80

FEDERAL TRADE COMMISSION

51596 8–4–80 / Benton & Bowles Inc., consent agreement with analysis to aid public comment; comments by 10–3–80

50814 7–31–80 / Oral presentations before the Commission and communications with Commissioners and their staffs in trade regulation rulemaking proceedings; comments by 9–29–80

51593 8–4–80 / Smith Kline Corp., consent agreement with analysis to aid public comment; comments by 9–30–80

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

57711 8–29–80 / Antioxidants and/or stabilizers for polymers; indirect food additives; objections by 9–29–80

58841 9–5–80 / Investigational device exemptions; comments on corrections by 10–4–80

[*See also* 45 FR 3732, 1–16–80]

51226 8–1–80 / Leukocyte typing serum; Revocation of additional standards; Transfer of responsibility from the Bureau of Biologics to the Bureau of Medical Devices; comments by 9–30–80

50359 7–29–80 / Microwave diathermy products; performance standard; comments by 9–29–80

[Corrected at 45 FR 58143, 9–2–80]

Public Health Service—

51241 8–1–80 / Grants for various health manpower projects; comments by 9–30–80

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Federal Housing Commissioner—Office of Assistant Secretary for Housing—

58337 9–3–80 / Fair market rents for new construction and substantial rehabilitation, Philadelphia, Pa.; comments by 10–3–80

51615 8–4–80 / Low income public housing lease and grievance procedures; comments by 10–3–80

50560 7–30–80 / Mortgage and loan insurance programs; requirements for mortgagee approval; interim rule; comments by 9–29–80

INTERIOR DEPARTMENT

Fish and Wildlife Service—

56117 8–22–80 / Proposal to permit commercial importation of kangaroos; comments from 9–16 through 10–1–80

Heritage Conservation and Recreation Service—

58339 9–3–80 / Urban Park and Recreation Recovery Program; comments by 10–3–80

JUSTICE DEPARTMENT

Immigration and Naturalization Service—

51580 8–4–80 / Tightening of requirements for aliens accompanying nonimmigrant aliens of distinguished merit and ability; comments by 10–3–80

LABOR DEPARTMENT

Pension and Welfare Benefit Programs Office—

51231 8–1–80 / Reporting and disclosure and minimum standards for employee pension benefit plans; Individual benefit reporting and record keeping for single employer plans; comments by 10–1–80

[Corrected at 45 FR 54370, 8–15–80 (2 documents)]

MANAGEMENT AND BUDGET OFFICE

Federal Procurement Policy Office—

51253 8–1–80 / Organizational conflicts of interest; Availability of draft Federal acquisition regulations; comments by 10–1–80

NUCLEAR REGULATORY COMMISSION

54708 8–15–80 / Functional criteria for emergency response facilities; comments by 9–29–80

50350 7–29–80 / Modification of the policy and regulatory practice governing the siting of nuclear power reactors; comments by 9–29–80

PERSONNEL MANAGEMENT OFFICE

50336 7–29–80 / Freedom of Information Act; implementation of changes in fee schedule; comments by 9–29–80

50534 7–29–80 / Office of Government Ethics; establishment; procedures; comments by 9–29–80

50336 7–29–80 / Within grade increases and quality step increases; comments by 9–29–80

SECURITIES AND EXCHANGE COMMISSION

45554 7–3–80 / Regulatory reform and review; listing of certain regulatory matters and related information; comments by 10–1–80

TRANSPORTATION DEPARTMENT

Coast Guard—

54057 8–14–80 / Navigation safety; electronic relative motion analyzer in self propelled vessels of 10,000 gross tons or more carrying hazardous materials; comments by 9–29–80

54776 8–18–80 / Temporary licenses and endorsements provisions; comments by 10–2–80

Federal Aviation Administration—

50810 7–31–80 / Aircraft identification and registration; marking, size requirements; comments by 9–29–80

[Corrected at 45 FR 54766, 8–18–80]

National Highway Traffic Safety Administration—

45334 7–3–80 / Federal motor vehicle safety standards; lamps, reflective devices, and associated equipment; comments by 10–1–80

TREASURY DEPARTMENT

Fiscal Service—

57747 8–29–80 / Regulations governing United States Treasury Certificates of indebtedness, notes and bonds—State and local government series; comments by 9–30–80

Internal Revenue Service—

58143 9–2–80 / Voluntary employee's beneficiary associations; comments by 9–30–80

Monetary Offices—

50368 7–29–80 / Transactions in foreign exchange, transfer of credit and export of coin and currency; form revisions; comments by 9–29–80

VETERANS ADMINISTRATION

50369 7–29–80 / Veterans benefits; service during World War II in the Women's Army Auxiliary Corps (WAAC); comments by 9–28–80

50369 7–29–80 / Veterans education; measurement of internship and residency courses; comments by 9–28–80

Next Week's Meetings

AGRICULTURE DEPARTMENT

Forest Service—

57160 8–27–80 / Black Hills National Forest Multiple Use Advisory Board, Hill City, S. Dak. (open), 9–24–80

54117 8–14–80 / Umatilla National Forest Grazing Advisory Board, Pendelton, Oreg. (open), 9–23–80

ARTS AND HUMANITIES NATIONAL FOUNDATION

56475 8–25–80 / Humanities Panel, Washington, D.C. (closed), 9–22 and 9–23–80

54911 8–18–80 / Humanities Panel, Washington, D.C. (closed), 9–22 through 9–24–80

54912 8–18–80 / Humanities Panel, Washington, D.C. (closed), 9–22 through 9–25–80

59458 9–9–80 / Music Panel (Chamber Music and New Music Performance Section), Wash., D.C. (closed), 9–26–80

59458 9–9–80 / Music Panel (Chamber Music Section), Wash., D.C. (partially open), 9–24 and 9–25–80

CIVIL RIGHTS COMMISSION

58637 9–4–80 / Alaska Advisory Committee, Juneau, Alaska (open), 9–22–80

59932 9–11–80 / California Advisory Committee, Los Angeles, Calif. (open), 9–25–80

57161 8–27–80 / Illinois Advisory Committee, Chicago, Ill. (open), 9–22–80

58637 9–4–80 / Kansas Advisory Committee, Emporia, Kans. (open), 9–27–80

58637 9–4–80 / Louisiana Advisory Committee, New Orleans, La. (open), 9–27–80

58637 9–4–80 / New Mexico Advisory Committee, Albuquerque, N. Mex. (open), 9–26–80

57162 8–27–80 / Oklahoma Advisory Committee, Tulsa, Okla. (open), 9–25–80

53192 8–11–80 / South Dakota Advisory Committee, Rapid City, S. Dak. (open), 9–27–80

59606 9–10–80 / Tennessee Advisory Committee, Clarksville, Tenn. (open), 9–25–80

COMMERCE DEPARTMENT

Census Bureau—

59366 9–9–80 / Census Advisory Committee of the American Statistical Association, Suitland, Md. (open), 9–25 and 9–26–80

International Trade Administration—

59369 9–9–80 / Industry Advisory Committees for Trade Policy Matters, Washington, D.C. (open), 9–24–80

National Oceanic and Atmospheric Administration—

50848 7–31–80 / Mid-Atlantic Fishery Management Council, Surf Clam/Ocean Quahog Resources Subpanel, Dover, Del. (open), 9–26–80

59369 9–9–80 / North Pacific Fishery Management Council and Scientific and Statistical Committee and Advisory Panel, Sitka, Alaska (open), 9–22 through 9–26–80

[*See also* 45 FR 60405, 9–12–80]

54791 8–18–80 / South Atlantic Fishery Management Council, Melbourne, Fla. (partially open), 9–23 through 9–25–80

Office of the Secretary—

55252 8–19–80 / Economic Advisory Board, Washington, D.C. (open), 9–22–80

DEFENSE DEPARTMENT

Army Department—

56124 8–22–80 / Army Science Board, San Francisco, Calif. (partially open), 9–22 and 9–23–80

58932 9–5–80 / Military Traffic Management Command, Military Personal Property Symposium, Arlington, Va. (open), 9–25–80

Office of the Secretary—

49321 7–24–80 / DOD Wage Committee, Washington, D.C. (closed), 9–23–80

EDUCATION DEPARTMENT

59939 9–11–80 / Advisory Council on Developing Institutions, Washington, D.C. (open), 9–26–80

58391 9–3–80 / National Advisory Council on Vocational Education, Des Moines, Iowa (closed), 9–24 thru 9–26–80

59939 9–11–80 / National Advisory Council on Vocational Education, Des Moines, Iowa (open), 9–26–80

[*See also* 45 FR 58935, 9–5–80]

National Institute of Education—

56866 8–26–80 / Assessment Policy Committee, National Assessment of Educational Progress, Washington, D.C. (open), 9–25–80

ENERGY DEPARTMENT

58936 9–5–80 / Resource applications; National Petroleum Council, Environmental Conservation Subcommittee, Washington, D.C. (open), 9–23–80

Economic Regulatory Administration—

57519 8–28–80 / Lake Erie Interconnection, environmental implications, Erie, Pa. (open), 9–23–80

ENVIRONMENTAL PROTECTION AGENCY

48510 7–18–80 / Acrylamide: Response to the Interagency Testing Committee, Washington, D.C. 9–24–80

48512 7–18–80 / Exemptions from test rules; proposed statement of policy and procedures, Washington, D.C., 9–24–80

FEDERAL EMERGENCY MANAGEMENT AGENCY

58688 9–4–80 / State workshop regarding Nuclear Power Plants, Atlanta, Ga. (open), 9–24 through 9–26–80

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

54440 8–15–80 / Committee meeting, Washington, D.C. (open), 9–25–80

HEALTH AND HUMAN SERVICES DEPARTMENT

Alcohol, Drug Abuse, and Mental Health Administration—

54142 8–14–80 / National Advisory Council on Alcohol Abuse and Alcoholism, Bethesda, Md. (partially open), 9–22 and 9–23–80

54142 8–14–80 / National Advisory Council on Drug Abuse, Rockville, Md. (partially open), 9–25 and 9–26–80

56191 8–22–80 / Psychiatry Education Review Committee, Rockville, Md. (partially open), 9–26–80

58964 9–5–80 / Rape Prevention and Control Advisory Committee, Rockville, Md. (open), 9–26–80

Food and Drug Administration—

54443 8–25–80 / Antimicrobial Panel, Bethesda, Md. (open), 9–21–80; Rockville, Md. (open), 9–22–80

56192 8–22–80 / Consumer exchange, Bronx, N.Y. (open), 9–24–80

60492 9–12–80 / Consumer exchange, Tuskegee, Ala. (open), 9–23–80

60492 9–12–80 / Consumer exchange, Los Angeles, Calif. (open), 9–24–80

58965 9–5–80 / Consumer exchange workshop, East Orange, N.J. (open), 9–25–80

54442 8–15–80 / Respiratory and Nervous System Devices Panel, Neurological Devices Section, Washington, D.C. (partially open), 9–26–80

National Institutes of Health—

53876 8–13–80 / Bladder and Prostratic Cancer Review Committee, Buffalo, N.Y. (open), 9–22–80

53876 8–13–80 / Cancer Research Manpower Review Committee, Bethesda, Md. (partially open), 9–25 and 9–26–80

56448 8–25–80 / National Advisory Eye Council, Bethesda, Md. (partially open), 9–21 through 9–24–80

53876 8–13–80 / National Cancer Advisory Board Subcommittee on Centers and Construction, Bethesda, Md. (open), 9–25 and 9–26–80

56449 8–25–80 / National Heart, Lung, and Blood Advisory Council and its Manpower Subcommittee and Research Subcommittee, Bethesda, Md. (partially open), 9–25 through 9–27–80

47924 7–17–80 / National Institute of Dental Research Programs Advisory Committee, Dental Caries Subcommittee, Bethesda, Md. (open), 9–25 and 9–26–80

44403 7–1–80 / National Institutes of Health Consensus Development Conference on Cesarean Childbirth, Bethesda, Md. (open), 9–22 and 9–23–80

55924 8–21–80 / Recombinant DNA Advisory Committee, Bethesda, Md. (open), 9–25 and 9–26–80

HISTORIC PRESERVATION ADVISORY COUNCIL

58709 9–4–80 / Meeting, New Castle, Pa. (open), 9–24 and 9–25–80

INTERIOR DEPARTMENT

Land Management Bureau—

5755 8–28–80 / Albuquerque District Advisory Council, Farmington, N. Mex. (open), 9–24 and 9–25–80

54146 8–14–80 / Las Cruces District Advisory Council, Las Cruces, N. Mex. (open), 9–23–80

56195 8–22–80 / National Public Lands Advisory Council, Boise, Idaho, (open), 9–22 and 9–23–80

55823 8–21–80 / Phoenix District Multiple Use Advisory Council, Phoenix, Ariz. (open), 9–24 and 9–25–80

55535 8–20–80 / Prineville District Multiple Use Advisory Council, Prineville, Oreg. (open), 9–25–80

National Park Service—

56197 8–22–80 / Delta Region Preservation Commission, Chalmette, La. (open), 9–25–80

59641 9–10–80 / Upper Delaware Citizens Advisory Council, Narrowsburg, N.Y. (open), 9–26–80

INTERNATIONAL CONVENTION ADVISORY COMMISSION

57603 8–28–80 / International Convention Advisory Commission, Washington, D.C. (open), 9–24–80

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development—

58984 9–5–80 / Board for International Food and Agricultural Development, Washington, D.C. (open), 9–25–80

JUSTICE DEPARTMENT

Justice Assistance, Research, and Statistics Office—

59232 9–8–80 / National Minority Advisory Council on Criminal Justice, Washington, D.C. (open), 9–26 and 9–27–80

MANAGEMENT AND BUDGET OFFICE

60150 9–11–80 / President's Commission for a National Agenda for the Eighties, Houston, Tex. (open), 9–26–80

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—

60051 9–11–80 / NASA Advisory Council (NAC) Space and Territorial Applications Advisory Committee, Washington, D.C. (open), 9–26–80

60051 9–11–80 / NASA Advisory Council Space and Territorial Applications Advisory Committee, Washington, D.C. (open), 9–26–80

NATIONAL SCIENCE FOUNDATION

54491 8–15–80 / Astronomy Advisory Committee, Sunspot, N. Mex. (open), 9–24 and 9–25–80

54492 8–15–80 / Ocean Sciences Advisory Committee, Acquisition and Maintenance Subcommittee, Washington, D.C. (closed), 9–24 and 9–25–80

OCEANS AND ATMOSPHERE NATIONAL ADVISORY COMMITTEE

58738 9–4–80 / Meeting, Washington, D.C. (open), 9–25 and 9–26–80

SMALL BUSINESS ADMINISTRATION

58283 9–2–80 / Region VI Advisory Council, Farmington, N.M. (open), 9–26–80

58283 9–2–80 / Region IX Advisory Council, Sunnyvale, Calif. (open), 9–24–80

58738 9–4–80 / Region IX Advisory Council, Fresno, Calif. (open), 9–26–80

STATE DEPARTMENT

51974 8–5–80 / Oceans and International Environmental and Scientific Affairs Advisory Committee, Antarctic Section, Washington, D.C. (partially open), 9–25–80

57636 8–28–80 / Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea, Washington, D.C. (open), 9–24–80

TRANSPORTATION DEPARTMENT

Federal Highway Administration—

59245 9–8–80 / Outdoor Advertising and Motorist Information National Advisory Committee, Atlanta, Ga. (open), 9–25 and 9–26–80

National Highway Traffic Safety Administration—

43921 6–30–80 / National Highway Safety Advisory Committee, Washington, D.C. (open), 9–23 and 9–24–80

TREASURY DEPARTMENT

Customs Service—

56962 8–26–80 / Debt Management Advisory Committee, New York, N.Y. (closed), 9–22–80

VETERANS ADMINISTRATION

58459 9–3–80 / Station Committee on Education Allowances, Cheyenne, Wyo. (open), 9–25–80

Next Week's Public Hearings

AGRICULTURE DEPARTMENT

Agicultural Marketing Service—

58366 9–3–80 / Milk in the Lake Mead Marketing Area, Las Vegas, Nev., 9–22–80

ENERGY DEPARTMENT

57727 8–29–80 / Bidding systems for Coal leasing, Washington, D.C. 9–23–80

[*See also* 45 FR 46742, 7–10–80]

Economic Regulatory Administration—

53368 8–11–80 / Consideration of congeneration exemption under powerplant and industrial fuel use act of 1978, San Francisco, Calif., 9–25–80

55467 8–20–80 / Maximum lawful selling price for unleaded gasoline, Washington, D.C. 9–24–80

59818 9–10–80 / Modification of entitlement benefit accorded naphtha imported into Puerto Rico and used as a petrochemical feedstock, San Juan, Puerto Rico, 9–25–80

58655 9–4–80 / Powerplant and Industrial Fuel Use Act; Special Temporary Public Interest Exemptions, Washington, D.C., 9–22–80

55467 8–20–80 / Powerplant and Industrial Fuel Use Act of 1978, cogeneration exemption, San Francisco, Calif., 9–25–80 (continued on 9–26 if necessary)

Federal Energy Regulatory Commission—

58368 9–3–80 / Exemption from the Federal Power Act of small hydroelectric power projects with a proposed installed capacity of 5 megawatts or less, Washington, D.C., 9–23–80

Western Area Power Administration—

47562 7–15–80 / Colorado River Storage Project, Collbran Project, Provo River Project, and Rio Grande Project; Post 1989 Marketing Plans, Salt Lake City, Utah, 9–25–80

ENVIRONMENTAL PROTECTION AGENCY

56165 8–22–80 / Adequacy of Attention to Conservation and the Environment by the Energy Department, Washington, D.C. 9–24 and 9–25–80

58954 9–5–80 / Adequacy of Attention to Conservation and the Environment by the Energy Department, Washington, D.C., 9–24 and 9–25–80

48524 7–18–80 / Chloromethane and chlorinated benzenes proposed test rule; Amendment to proposed health effects standards, Washington, D.C. 9–24–80

INTERIOR DEPARTMENT

Geological Survey—

56081 8–22–80 / Coal Mining Operating Rules on Federal Lands, Washington, D.C. 9–22–80

Water and Power Resources Service—

54452 8–15–80 / Proposed reauthorization of the Central Valley Project, Calif., draft environmental Statement, stockton, Calif., 9–22–80; Concord, Calif, 9–24–80; Redding, Calif., 9–25–80

TENNESSEE VALLEY AUTHORITY

60101 9–11–80 / Proposed development of coal gasification demonstration plant, Guntersville, Ala., 9–23–80

List of Public Laws

Last Listing September 16, 1980

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

S. 390 / Pub. L. 96–349 "Antitrust Procedural Improvements Act of 1980". (Sept. 12, 1980; 94 Stat. 1154) Price: $1.

H.R. 2538 / Pub. L. 96–350 To facilitate increased enforcement by the Coast Guard of laws relating to the importation of controlled substances, and for other purposes. (Sept. 15, 1980; 94 Stat. 1159) Price: $1.

H.R. 4627 / Pub. L. 96–351 To authorize the enlistment of citizens of the Northern Mariana Islands in the Armed Forces of the United States of America. (Sept. 15, 1980; 94 Stat. 1161) Price: $1.

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the **Federal Register** during the previous week.

RULES GOING INTO EFFECT

59153 9–8–80 / CSA—Grantee procurement standards; effective 10–8–80

59143 9–8–80 / DOT/FHWA/NHTSA—State highway safety agencies; authority and functions; effective 10–1–80

60431 9–12–80 / HHS/PHS—Emergency Medical Services, training programs; effective 10–30–80

59868 9–11–80—HUD / CPD—Community Development Block Grants and comprehensive planning assistance; consolidation of grants for certain insular areas; effective 10–1–80

59868 9–11–80 / AUD/CPD—Consolidation of community development block grants for certain insular areas; effective 10–1–80

59496 9–9–80 / HUD/CPD—Community development block grants: Innovative grants programs; clarification of program objectives and requirements for unsolicited proposals, solicited preapplications; effective 10–1–80

DEADLINES FOR COMMENTS ON PROPOSED RULES

60306 9–11–80 / DOT/UMTA—Project management procedures for grantees; comments by 12–8–80

59349 9–9–80 / ED—Education Division General Administrative Regulations (EDGAR); Grant Programs without specific regulations; comments by 11–10–80

60382 9–11–80 / ED—Federal Financial Assistance to meet special educational needs of refugee children and to enhance their transition into American soceity; comments by 10–27–80

59496 9–9–80 / HUD/CPD—Community development block grants: Innovative grants programs; clarification of program objectives and requirements for unsolicited proposals, solicited preapplications; interim rule; comments by 11–10–80

APPLICATIONS DEADLINES

59378 9–9–80 / ED—Bilingual education—Fellowship program; apply by 11–10–80

59379 9–9–80 / ED—Bilingual education—Fellowship program; apply by 3–2–81

59609 9–10–80 / ED—Community Service and Continuing Education, Special Projects; cancellation of notices of closing dates for transmittal of grant applications for fiscal year 1980—new and continuation projects

59609 9–10–80 / ED—New projects under the Pre-College Teacher Development in Science Program; grant applications by 10–20–80

60018 9–11–80 / HHS/HSA—Community health center and migrant health center projects in certain areas in Idaho; apply by 11–1–80

66018 9–11–80 / HHS/HSA—Community health center and migrant health center projects in certain areas in Idaho; apply by 11–1–80

60504 9–12–80 / Justice/BJS—Program JS–5; Solicitation regarding a competitive cooperative agreement program to develop statistical techniques and methods for the analysis of specific topics in criminal justice; extension of deadline to 11–30–80

[*See also* 45 FR 37915, 9–12–80]

60501 9–12–80 / Justice/BJS—Program JS–6; Solicitation regarding a competitive cooperative agreement program to investigate issues in criminal justice for future multistate statistical programs; extension of deadline to 12–31–80

[*See also* 45 FR 37916, 4–5–80]

MEETINGS

59206 9–8–80 / HHS/NIH—Aging National Advisory Council, Bethesda, Md. (partially open), 10–15 through 10–17–80

59207 9–8–80 / HHS/NIH—Arthritis, Metabolism, and Digestive Diseases Advisory Council, Bethesda, Md. (partially open), 10–15 through 10–17–80

59204 9–8–80 / HHS/NIH—Board of Scientific Counselors, National Institute of Aging, Baltimore, Md. (partially open), 10–30 and 10–31–80

59204 9–8–80 / HHS/NIH—Board of Scientific Counselors, Division of Cancer Treatment, Bethesda, Md. (partially open), 10–2 and 10–3–80

59206 9–8–80 / HHS/NIH—Dental Research National Advisory Council, Bethesda, Md. (partially open), 10–23 and 10–24–80

59205 9–8–80 / HHS/NIH—Division of Research Grants, study sections, October and November meetings, various locations

59207 9–8–80 / HHS/NIH—Environmental Health Sciences National Advisory Council, Research Triangle Park, N.C. (partially open), 10–6 and 10–7–80

59207 9–8–80 / HHS/NIH—General Medical Sciences National Advisory Council, Bethesda, Md. (partially open), 10–16 and 10–17–80

59204 9–8–80 / HHS/NIH—National Library of Medicine, Board of Regents, Bethesda, Md. (partially open), 10–8 through 10–10–80

59458 9–9–80 / NFAH—Dance Panel (choreography fellowship), Washington, D.C. (closed), 9–29 through 10–2–80

60052 9–11–80 / NFAH—Joint meeting of the media arts and design arts panels, Washington, D.C. (closed), 9–29 and 9–30–80

59458 9–9–80 / NFAH—Music Panel (Chamber Music Section), Washington, D.C. (partially open), 9–24 and 9–25–80

59458 9–9–80 / NFAH—Panel (Chamber Music and New Music Performance Section), Washington, D.C. (closed), 9–26–80

60052 9–11–80 / NFAH—Vision Arts Panel, Washington, D.C. (closed), 9–29 and 9–30–80

59459 9–9–80 / NSF—Behavioral and Neural Sciences Advisory Committee, Washington, D.C. (closed), 10–8, 10–9, and 10–10–80

59459 9–9–80 / NSF—Behavioral and Neural Sciences Subcommittee on Memory and Cognitive Processes, Washington, D.C. (closed), 10–9 and 10–10–80

59458 9–9–80 / NSF—Behavioral and Neural Sciences Subcommittee for Sensory Physiology and Perception, Washington, D.C. (partially open), 10–1 through 10–3–80

59459 9–9–80 / NSF—Behavioral and Neural Sciences Subcommittee on Social and Developmental Phycology, Washington, D.C. (closed), 10–23 and 10–24–80

59460 9–9–80 / NSF—Physiology, Cellular, and Molecular Biology Advisory Committee, Cell Biology Subcommittee, Washington, D.C. (closed), 10–1 through 10–3–80

59460 9–9–80 / NSF—Physiology, Cellular and Molecular Biology, Advisory Committee, Developmental Biology Subcommittee, Washington, D.C. (closed), 10–15 thru 10–17–80

59460 9–9–80 / NSF—Physiology, Cellular and Molecular Biology Advisory Committee, Molecular Biology Subcommittee Group A, Washington, D.C., (closed), 10–16 and 10–17–80

59460 9–9–80 / NSF—Physiology, Cellular Molecular Biology Advisory Committee, Regulatory Biology Subcommittee, Washington, D.C. (closed), 10–8 thru 10–10–80

59459 9–9–80 / NSF—Special Research Advisory Committee, Washington, D.C. (closed), 10–6 and 10–7–80

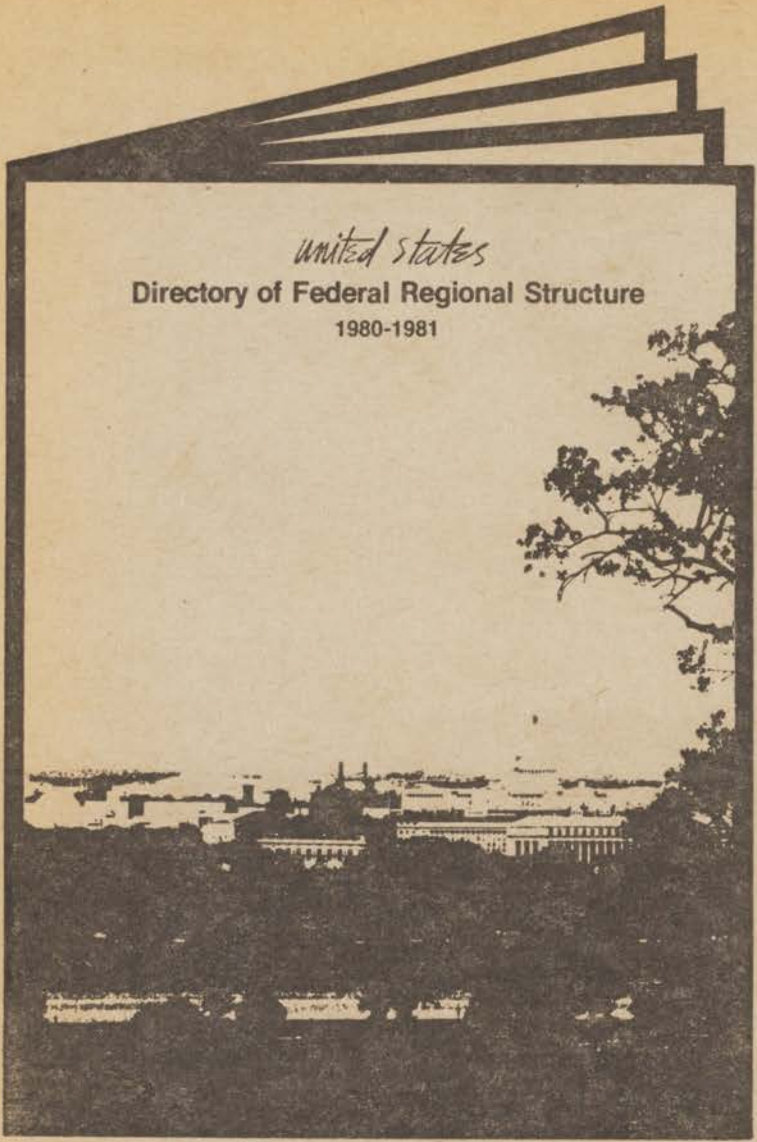
59930 9–11–80 / USDA/SEA—Cooperative Forest Research Advisory Board, Spokane, Washington, (open), 10–2–80

OTHER ITEMS OF INTEREST

59609 9–10–80 / ED—Financial assistance for construction, reconstruction, or revocation of higher education facilities, program status

59232 9–8–80 / LSC—*Pro boro* legal services for the poor; proposals solicited

59668 9–10–80 / OMB—State and local governments; grants-in-aid; uniform administrative requirements; audit guidelines (circular A–102; Attachment P); final policy



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Revised as of May 1, 1980

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Included in the Directory is a map showing the 10 Standard Federal Regions followed by tables listing the key personnel, addresses, and telephone numbers for agencies with offices in those regions. In addition, maps and tables are provided for those agencies with regional structures other than that of the standard regional system.

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